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WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

NEW YORK, NY

- WHEN:** May 21, at 9:00 am
- WHERE:** 26 Federal Plaza
Room 305 B and C
New York, NY
- RESERVATIONS:** Federal Information Center
1-800-347-1997

WASHINGTON, DC

- WHEN:** May 23, at 9:00 am
- WHERE:** Office of the Federal Register
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1100 L Street, NW, Washington, DC
- RESERVATIONS:** 202-523-5240 (voice); 202-523-5229 (TDD)

NOTE: There will be a sign language interpreter for hearing impaired persons at the May 23, Washington, DC briefing.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 630

Absence and Leave; Reservist Leave Bank Program

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim regulations and requesting comments on rules establishing a leave bank authorized by Public Law 102-25 for returning Federal employees who were called to active duty in the U.S. Armed Forces during the Persian Gulf War. These rules define the procedures and conditions that agencies must follow to (1) identify eligible returnees, (2) identify qualified leave contributors, (3) accept contributed annual leave, (4) report to OPM, and (5) credit the annual leave accounts of recipients.

DATES: Interim rules effective May 6, 1991. Comments must be received on or before June 5, 1991.

ADDRESSES: Send or deliver written comments to Barbara L. Fiss, Assistant Director for Pay and Performance, U.S. Office of Personnel Management, room 7H30, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Bernadette Christie, (202) 606-2858 or (FTS) 266-2858.

SUPPLEMENTARY INFORMATION: The Desert Shield/Desert Storm Reservist Leave Bank Act of 1991 was enacted as part D of the Department of Defense Desert Storm Supplemental Authorization and Military Personnel Benefits Act for Fiscal Year 1991, Public Law 102-25, April 6, 1991. The Act directs OPM to establish a leave bank to which employees may contribute unused

accrued annual leave for the use of other Federal employees who performed active duty military service during the Persian Gulf War and who are returning to civilian employment with their agencies. The contributed annual leave will be divided equally among all eligible returnees. Under this program, employees may not contribute leave for the use of a specific individual.

The Act further requires OPM to establish a contribution period (open season) during which employees may contribute annual leave. OPM will specify the dates by which agencies must report (1) the number of returning employees within each agency who are eligible to receive leave contributed under this program, and (2) the aggregate amount of annual leave contributed by leave contributors within each agency to the reservist leave bank. Finally, OPM will determine when the contributed annual leave will be made available for use by recipients. OPM will use this and additional information provided by the agencies for a report to Congress.

Agencies are required to identify and list eligible returnees. This legislation requires that each service member meet the definition of employee in 5 U.S.C. 6361(1) and have been activated under sections 672(a), 672(g), 673, 673b, 674, 675, or 688 of title 10, United States Code.

Agencies must determine the eligibility of returnees under the above-cited title 10 provisions. Each returnee's military orders will indicate the statutory conditions under which the individual was activated. Service members activated under the provisions of 10 U.S.C. 672(d) or for training purposes only are not eligible to receive contributed leave under this program. In addition, only reservists and guardsmen called to active duty during the Persian Gulf War are eligible to receive contributed leave. The Act defines "Persian Gulf War" as the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law. OPM will advise agencies of the ending date for eligibility to receive leave under this program.

Section 6361(1) of title 5 defines "employee" for purposes of the voluntary leave bank program. This definition refers to 5 U.S.C. 6301(2), but excludes employees of the Government

of the District of Columbia. The definition further excludes part-time employees who do not have regularly scheduled tours of duty and employees of the U.S. Postal Service may not receive contributed leave. Finally, although health-care professionals covered under section 4108(e) of title 38, United States Code, do not meet the requirements to be recipients of leave contributed to the reservist leave bank established for employees covered by title 5, this Act also requires the Secretary of Veterans Affairs to establish a similar program for title 38 health-care professionals.

All employees who do meet the criteria in the legislation must be considered eligible to receive contributed leave and must be included in an agency's report to OPM. (The legislation provides no discretion in this area.) Agencies must report the number of eligible returnees to OPM by a date to be determined.

Only employees of Executive agencies may be leave contributors and contribute unused accrued annual leave to the reservist leave bank. To simplify recordkeeping and accounting, the minimum amount of annual leave a contributor may contribute is 1 hour. A contributor may contribute only annual leave that already has been accrued, but not more than the lesser of—

- One-half the amount of annual leave he or she would be entitled to accrue during the leave year in which the contribution is made (i.e., 52 hours, 80 hours, or 104 hours, depending on the employee's annual leave accrual category); or

- One-half his or her annual leave balance at the time of contribution.

Annual leave contributed under this program will not be applied against the limitations on annual leave that may be donated under the voluntary leave transfer or leave bank programs established under 5 U.S.C. 6332 and 6362, respectively.

Agencies may require leave contributors to use a Standard Form (SF) 71, Application for Leave, indicating that they are charging annual leave and completing section 6, "Remarks," to show that the leave is being contributed for the use of Persian Gulf War returnees. However, OPM does not require that the SF-71 be used. OPM does not plan to develop a new form for this purpose.

While agencies are encouraged to be creative in publicizing this leave bank program, OPM reminds agencies that there must not be an appearance of coercion on the part of management requiring employees to contribute their annual leave.

After the contribution period (open season) closes, agencies will have approximately 4 weeks to report to OPM the amount of annual leave contributed to the bank. OPM will compute the amount of leave each eligible returnee will receive.

The total amount of contributed annual leave will be divided equally among eligible returnees. If this computation results in a fraction of an hour, the fraction will be rounded up to the next quarter-hour. Agencies may grant leave recipients excused absence for the remainder of the hour, but may not reduce the amount of leave credited to an employee by any fraction of an hour. Alternatively, agencies may charge leave by the quarter-hour for the purpose of this program; however, this solution may require agencies to compute the affected leave balances manually.

OPM will communicate to agencies the amount of leave each eligible returnee should receive. Agencies will credit the contributed leave to the annual leave accounts of eligible returnees who already have returned to Federal employment by not later than the end of the second pay period after the date on which OPM notifies agencies of the amount of annual leave to credit to each eligible returnee's leave account.

Eligible returnees who have returned to civilian service may use the contributed leave immediately, subject to supervisory approval. Once credited, however, the annual leave is subject to and must be used in accordance with, all pertinent rules and regulations. The contributed leave creditable to those eligible returnees who have not yet returned to their agencies will be held in abeyance until the recipients return. Annual leave held in abeyance for employees identified as eligible returnees, but who do not return to Federal employment with their agencies, will be forfeited.

Waiver of Notice of Proposed Rulemaking and Delay in Effective Date

The Act provides that OPM must issue implementing regulations within 30 days following enactment. In order to give practical effect to this legislation at the earliest authorized date, I find that good cause exists to waive the general notice of proposed rulemaking pursuant to section 553(b)(3)(B) of title 5, United

States Code. Also, pursuant to section 553(d)(3) of title 5, United States Code, I find that good cause exists for making this rule effective in less than 30 days. The 30-day delay in the effective date is being waived to give affected employees the benefit of these new provisions at the earliest practicable date.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they apply only to Federal agencies and employees.

List of Subjects in 5 CFR Part 630

Government employees.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

Accordingly, OPM is amending part 630 of title 5, Code of Federal Regulations, as follows:

PART 630—ABSENCE AND LEAVE

1. The authority citation for part 630 is revised to read as set forth below:

Authority: 5 U.S.C. 6311; § 630.303 also issued under 5 U.S.C. 6133(a); § 630.501 and subpart F also issued under E.O. 11228; subpart G also issued under 5 U.S.C. 6305; subpart H issued under 5 U.S.C. 6326; subpart I also issued under 5 U.S.C. 6332 and Pub. L. 100-566; subpart J also issued under 5 U.S.C. 6362 and Pub. L. 100-566; subpart K also issued under Pub. L. 102-25.

2. In part 630, subpart K is added to read as follows:

Subpart K—Reservist Leave Bank Program

Sec.

- 630.1101 Purpose and applicability.
- 630.1102 Definitions.
- 630.1103 Identifying eligible returnees.
- 630.1104 Receipt, processing, and transfer of leave.
- 630.1105 Limitations on contribution of annual leave.
- 630.1106 Prohibition of coercion.
- 630.1107 Crediting annual leave accounts of eligible returnees.
- 630.1108 Use of annual leave contributed under this program.
- 630.1109 Records and reports.

Subpart K—Reservist Leave Bank Program

§ 630.1101 Purpose and applicability.

(a) *Purpose.* The purpose of this subpart is to establish procedures and requirements for a reservist leave bank program in Executive agencies under which an employee may contribute

unused accrued annual leave to a leave bank established by the Office of Personnel Management (OPM) for use by eligible returnees who have been members of the Armed Forces of the United States serving on active duty during the Persian Gulf War and who return to civilian employment with their agencies.

(b) *Applicability.* This subject applies to officers and employees—

(1) To whom subchapter IV of chapter 63 of title 5, United States Code, applies; and

(2) Who are employed in Executive agencies.

§ 630.1102 Definitions.

In this subpart:

Agency means an "Executive agency," as defined in 5 U.S.C. 105.

Contribution period means a period of at least 6 weeks beginning on a date to be established by OPM. The Director of OPM may extend the contribution period, if necessary, to meet the requirements of the legislation.

Eligible returnee means an employee who has been a member of the U.S. Armed Forces serving on orders issued under 10 U.S.C. 672(a), 672(g), 673, 673b, 674, 675, or 688 during the Persian Gulf War, and who has returned to, or will return to Federal employment with his or her agency. An employee who, after completing his or her active duty military service, does not return to Federal employment for any reason is not eligible to receive leave contributed to the reservist leave bank.

Employee has the meaning given that term in 5 U.S.C. 6361(1).

Leave contributor means an employee who contributes annual leave to the reservist leave bank established under section 361 of Public Law 102-25; 105 Stat. 92 (5 U.S.C. 6361 note).

Persian Gulf War means the period beginning on August 2, 1990, and ending on a date thereafter prescribed by Presidential proclamation or by law. OPM will advise agencies of the ending date for eligibility to receive leave under this program.

Reservist leave bank means the leave bank established by OPM for the purpose of this subpart.

§ 630.1103 Identifying eligible returnees.

(a) Each agency shall identify and list all eligible returnees within the agency.

(b) Each agency shall report the number of eligible returnees identified to OPM. Negative reports are required.

§ 630.1104 Receipt, processing, and transfer of leave.

(a) Each agency shall accept annual leave contributed to the reservist leave bank by leave contributors during the contribution period (open season).

(b) Each agency shall determine the procedures under which to collect, process, and transfer leave contributed under this subpart. Leave contributed to the reservist leave bank must be debited from the contributor's annual leave account during the pay period in which it is contributed.

(c) Each agency shall report the aggregate amount of annual leave contributed to the reservist leave bank to OPM. (See § 630.1109(b)(1) of this subpart.)

§ 630.1105 Limitations on contribution of annual leave.

(a) A leave contributor may not contribute leave for the use of a specific eligible returnee.

(b) A leave contributor may contribute only accrued unused annual leave to the reservist leave bank.

(c) A leave contributor may not contribute less than 1 hour of annual leave, nor more than the lesser of—

(1) One-half the amount of annual leave he or she would be entitled to accrue during the leave year in which the contribution is made; or

(2) One-half his or her annual leave balance at the time the contribution is made.

(d) Annual leave contributed to the reservist leave bank shall not be applied against the limitations on annual leave that may be donated under the voluntary leave transfer and leave bank programs established under 5 U.S.C. 6392 and 6362, respectively.

§ 630.1106 Prohibition of coercion.

(a) An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any rights such employee may have with respect to contributing, or not contributing, annual leave under this subpart.

(b) For the purpose of paragraph (a) of this section, the term "intimidate, threaten, or coerce" includes promising to confer or conferring any benefit (such as an appointment or promotion or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

§ 630.1107 Crediting annual leave accounts of eligible returnees.

(a) OPM shall divide the contributed annual leave equally among eligible

returnees without regard to any factor (e.g., full- or part-time status, duty station during the Persian Gulf War, or time spent on active duty) other than each employee's status as an eligible returnee.

(b) The amount of annual leave each eligible returnee receives shall be rounded to the next higher quarter-hour. An employing agency may not reduce the amount of leave credited to an eligible returnee by any fraction of an hour, but may grant leave recipients excused absence for the remainder of the hour or charge leave by the quarter-hour for the purpose of this program.

(c) OPM shall notify each agency of the amount of annual leave that shall be credited to each eligible returnee.

(d) Each agency shall credit the annual leave accounts of eligible returnees who have returned to Federal employment as soon as possible, but not later than the end of the second pay period beginning on or after the date the agency is notified of the amount of leave each eligible returnee is to receive.

§ 630.1108 Use of annual leave contributed under this program.

(a) The annual leave credited to the account of an eligible returnee may be used in the same manner and for the purposes as if the leave had accrued under 5 U.S.C. 6303.

(b) An eligible returnee who has returned to Federal employment may use the leave credited under § 630.1107 of this subpart immediately, subject to supervisory approval.

(c) Annual leave creditable to an eligible returnee who has not yet returned to Federal employment shall be held in abeyance by the employing agency that identified such employee until his or her return.

(d) Annual leave held in abeyance for an eligible returnee who does not return to Federal employment shall be forfeited.

§ 630.1109 Records and reports.

(a) Each agency shall maintain records and report pertinent information concerning the administration of the reservist leave bank program.

(b) Each agency shall maintain the following information:

(1) The grade or pay level of each leave contributor and the amount of leave contributed by leave contributors at each grade or pay level (Each agency is required to report to OPM the aggregate amount of annual leave contributed to the reservist leave bank under § 630.1104(c) of this subpart.);

(2) The grade or pay level of each eligible returnee;

(3) The number of eligible returnees to whom the contributed annual leave was credited immediately;

(4) The number of eligible returnees for whom the contributed annual leave was held in abeyance;

(5) The estimated direct and indirect costs of administering the reservist leave bank program; and

(6) Any additional information OPM may require.

(c) Each agency shall report the information specified in paragraph (b) of this section to OPM.

(d) OPM shall identify the dates by which each agency shall report the information gathered pursuant to §§ 630.1103(b) and 630.1104(c) of this subpart and paragraph (b) of this section.

[FR Doc. 91-10638 Filed 5-3-91; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE**Commodity Credit Corporation****7 CFR Part 1477****Disaster Payment Program for 1989 Crops**

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Disaster Assistance Act of 1989 (the 1989 Act), provided assistance to eligible producers for losses of 1989 crop production due to damaging weather or related conditions in 1988 or 1989. The Food, Agriculture, Conservation, and Trade Act of 1990 (1990 Act) amended the 1989 Act to provide: The total quantity of 1989 sugarcane that producers on a farm actually harvested or could have harvested shall be based on the quantity of recoverable sugar when determining disaster losses; losses of producers of any crop of Valencia oranges affected by a freeze in either 1988 or 1989 shall be considered when determining eligibility for program payments and; disaster assistance for producers on the Wind River Indian Reservation, Wyoming, who suffered losses due to lack of water as the result of Indian Tribal water adjudication.

Accordingly, this rule adopts as final the interim rule published Jan. 4, 1991 that implemented these revised provisions.

EFFECTIVE DATE: May 6, 1991.

FOR FURTHER INFORMATION CONTACT: Charles M. Cox, Jr., Program Specialist, Cotton, Grain, and Rice Price Support

Division (CGRD), Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA), P.O. Box 2415, Washington, DC. Telephone: (202) 382-8757.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Departmental Regulation No. 1512-1 and has been classified as "not major" since the program will have an annual effect on the economy of less than \$100 million. Accordingly, a final regulatory impact analysis is not necessary.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of the law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

An Environmental Evaluation with respect to the Disaster Payment Program was completed for the 1989 program. It has been determined that this action is not expected to have a significant impact on the quality of the human environment. In addition, it has been determined that this action will not adversely affect environmental factors such as wildlife habitat, water quality, air quality, and land use and appearance. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

The titles and numbers of federal assistance program to which this rule applies are: Title—Cotton—10.502; Feed Grains—10.055; Wheat—10.058; Rice—10.065; as found in the Catalog of Federal Domestic Assistance.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

The information collection requirements contained in this regulation have been submitted to the Office of Management and Budget for emergency review under the provisions of 44 U.S.C. chapter 35 and OMB Numbers will be assigned. The emergency clearance was determined to be necessary in order to commence application for benefits. The emergency clearance will expire in 90 days. Public reporting burden for these collections is estimated to require 15 minutes per response, including time for reviewing instructions, searching existing sources,

gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503.

Background

The 1990 Act amended the 1989 Act to provide that disaster payments for the 1989 sugarcane crop will be based on the quantity of recoverable sugar rather than on the number of tons of sugarcane produced on the farm. The interim rule provided that producers who previously applied for disaster payments would have their payments recomputed and the amount due would be determined not later than February 26, 1991, based on pounds of recoverable sugar. Those producers who previously did not apply for benefits under the 1989 disaster program for sugarcane would have until January 15, 1991, to seek disaster benefits under the 1989 program for sugarcane as amended by the 1990 Act.

Producers of 1989 or 1990 crop of Valencia oranges affected by a 1989 freeze may be eligible for a disaster program payment if the producer on the farm incurred a loss of 50 percent. Those producers who applied previously for a disaster payment would have their payments recomputed not later than February 26, 1991. Producers who did not previously apply for benefits may do so until January 15, 1991.

Producers on the Wind River Indian Reservation who were affected by a lack of water as a result of Indian Tribal water rights adjudication affecting producers on that portion of the Big Horn River drainage system on the Wind River Reservation, Wyoming, are eligible for disaster payments. This is effective for 1990 crop of wheat, barley, oats, grass hay, and alfalfa hay.

These producers may make application for program payment no later than May 27, 1991. However, the total amount of assistance is limited to \$250,000.

In response to the interim rule issued on January 4, 1991, at 56 FR 364, 1 (one) timely filed comment was received from the Wyoming Congressional delegation. The comment applied to § 1477.20 of the regulation. The Wyoming Congressional delegation took issue with the Department's interpretation of the statutory provision which provides that assistance is limited to only those

producers who were actually farming on the Wind River Indian Reservation.

Section 2275 of the 1990 Act provides, in part: " * * * (a) In general.—Effective only for producers on a farm who suffered losses due to drought induced by a lack of water as a result of Indian Tribal water rights adjudication affecting producers on that portion of the Big Horn River Drainage system located on the Wind River Indian Reservation, Wyoming, for the 1990 crop of wheat, barley, oats, grass hay, and alfalfa hay, * * *." Since this provision specifically refers to "producers on that portion of the Big Horn River drainage system located on the Wind River Indian Reservation", there is no statutory basis to extend the scope of the regulation to producers who are located off of the reservation. Accordingly, the suggested revision is not adopted.

List of Subjects in 7 CFR Part 1477

Agricultural commodities, Disaster assistance, Fraud, Grant programs—agriculture, Reporting and recordkeeping requirements.

PART 1477—[AMENDED]

Accordingly, the interim rule amending 7 CFR part 1477 which was published at 56 FR 364 on January 4, 1991, is adopted as a final rule without change.

Signed at Washington, DC on April 30, 1991.

Keith D. Bjerke,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 91-10586 Filed 5-3-91; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 333

RIN 3064-AA55

Extension of Corporate Powers

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: The FDIC is amending its regulations to provide that insured state chartered banks that are members in the Savings Association Insurance Fund ("SAIF"), i.e., savings associations that converted to state banks, are subject to the same activity and investment restrictions, transactions with affiliates restrictions, and loan to one borrower limits that are applicable to savings

associations. In addition, SAIF member insured state banks are required to: (1) Provide the FDIC with prior notice before acquiring or establishing a subsidiary, or initiating the conduct of any new activity in an existing subsidiary, (2) deduct from the bank's capital investments in, and extensions of credit to, subsidiaries to the same extent as is the case for a savings association, (3) file with the FDIC a copy of any application requesting approval of the conversion that is filed with any other federal or state agency, and (4) file a capital plan with the FDIC within 30 days of conversion if as of the conversion the bank does not meet the capital requirements set out in the FDIC's regulations.

EFFECTIVE DATE: June 5, 1991.

FOR FURTHER INFORMATION CONTACT: Pamela E.F. LeCren, Counsel, (202) 898-3730, Legal Division, FDIC, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction

The application and notice requirements set forth in § 303.13 of the FDIC's regulations (12 CFR 303.13) shall apply to any SAIF member state bank that was formerly a savings association to the same extent as though the bank had not converted. The application and notice requirements of § 303.13 of 12 CFR part 303 have been reviewed and approved by the Office of Management and Budget ("OMB") in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3504(h)) under control number 3064-0104. The estimated average annual burden associated with these application and notice requirements is approximately 5 hours per response. Submission to the FDIC of capital plans has been reviewed and approved by OMB in connection with the Paperwork Reduction Act under control number 3064-0075. The estimated average annual burden associated with the capital plan is 42 hours.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Assistant Executive Secretary (Administration), room F-400, Federal Deposit Insurance Corporation, Washington, DC 20429, and to the Office of Management and Budget, Paperwork Reduction Project (3064-0104, 3064-0075), Washington, DC 20503.

Discussion of Final Regulation

In December 1990, the FDIC proposed for comment an amendment to part 333 of the FDIC's regulations (55 FR 51117). The proposal was designed to address

certain risks that were posed to the SAIF insurance fund by savings associations converting to state chartered savings banks. The background and purpose of that proposal as explained in the preamble accompanying the publication of the proposal in the Federal Register is set out once again below.

Background

On August 9, 1989 President Bush signed the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA", Public Law No. 101-73, 103 Stat. 183 (1989)) into law. Among other things, FIRREA established the Savings Association Insurance Fund ("SAIF") to replace the Federal Savings and Loan Insurance Corporation ("FSLIC") (the entity that had previously insured savings and loan associations) and placed SAIF under the administration of the FDIC. All previously FSLIC insured savings associations were made members of SAIF. The statute also provides that all future state or federal savings associations are to be members of SAIF.

One of the announced Congressional purposes of FIRREA is to "curtail investments and other activities of savings associations that pose unacceptable risks to the Federal deposit insurance funds." Section 101 of FIRREA, 103 Stat. 187. It is clear that Congress concluded that the best way to remove unacceptable risks presented to SAIF as a result of activities and investments undertaken by SAIF members is to limit the activities and investments a state savings association can make to those activities and investments that are permissible for a federal savings association. This was accomplished by an amendment to the Federal Deposit Insurance Act ("FDI Act") (new section 28 (12 U.S.C. 1831(e)), see discussion below). Congress also saw fit to impose a limit on loans to one borrower for all savings associations (see section 5(u) of the Home Owners' Loan Act ("HOLA", 12 U.S.C. 1464(u)). The decision by Congress to do so evidences a conclusion that making loans to any one borrower in excess of the limits set by section 5(u) of HOLA presents an unacceptable risk to SAIF. It is also apparent that the activities of certain subsidiaries of savings associations were found to be a potential source of risk to SAIF from which the parent association (and thus SAIF) should be insulated. Section 5(t)(5) of HOLA (12 U.S.C. 1464(t)(5)) provides that a savings association's investment in, and loans to, a subsidiary engaged in activities not permissible for a national bank shall be deducted from

the savings association's capital. In addition, Congress not only chose to make SAIF institutions subject to the loan to affiliate restrictions contained in section 23A and 23B of the Federal Reserve Act (12 U.S.C. 371c, 371c-1) it imposed additional restrictions on transactions with affiliates. (See section 11(a)(1) of HOLA, 12 U.S.C. 1468.) Finally, Congress specifically required SAIF member savings associations to provide the FDIC with prior notice before establishing or acquiring a subsidiary or conducting any new activity through a subsidiary. (Section 18(m)(1) of the FDI Act, 12 U.S.C. 1828(m)(1).) Thus, the agency given the responsibility of administering SAIF was given the opportunity to review in advance the proposed establishment or acquisition of a subsidiary by a SAIF member institution and the conduct of new activities by an existing subsidiary of a SAIF member institution.

The FDIC is aware that a growing number of states have enacted, or are considering enacting, legislation to allow a SAIF member savings association to become a savings bank. To date eleven states (California, Texas, Florida, Illinois, Ohio, Alabama, Indiana, Louisiana, North Carolina, Wisconsin, and Tennessee) fall into this category. These states are not among those which have traditionally allowed for savings banks. Additionally, in some instances states that have had savings banks for many years are interpreting their existing statutes to allow a savings association to become a savings bank. All of these institutions would retain their membership in SAIF.

Depending upon the specifics of the legislation, a savings association that does become a SAIF member savings bank may be authorized to engage in activities, and make investments (including investments in noninvestment grade corporate debt securities, i.e., "junk bonds") that Congress specifically found to pose an unacceptable risk to SAIF. These new SAIF member savings banks may be able to make loans to any one borrower in excess of that which would have been permitted the institution as a SAIF member had it not become a state savings bank and may be able to enter into transactions with affiliates that Congress judged to create an unacceptable risk to SAIF. There may be no requirement to deduct investments in and loans to subsidiaries from the institution's capital (assuming that the state law establishes specific capital requirements) and there may be no requirement to provide the FDIC with advance notice before establishing or acquiring a subsidiary or conducting any

new activity in an existing subsidiary. In short, the very safeguards Congress determined to be necessary to protect SAIF from risk would no longer apply to institutions that continue to be SAIF members and which may be able to exercise powers and make investments previously exercised by state savings associations that Congress found to contribute so heavily to the savings and loan crisis. Cong. Rec. H2714, June 15, 1989 (remarks of Rep. Glickman); Cong. Rec. S4090-4092, April 18, 1989; Cong. Rec. S3996, April 17, 1989.

The FDIC is of the belief that potential harm is posed to SAIF if SAIF member institutions side step the FIRREA restrictions by changing their status to savings banks. There is ample evidence that investing in junk bonds and real estate and making excessive loans by any one borrower, etc. raise safety and soundness concerns and that such concerns pose a serious threat to SAIF.

The financial soundness of a savings association is in large part determined by the amount of equity capital the institution holds and the quality of its investment portfolio. Capital serves two purposes: (1) It provides a buffer against potential losses, and (2) it reduces risk taking (investors with more of their own funds at risk tend to manage an institution more conservatively). As asset portfolios are funded by insured deposits, it is important to carefully supervise investment policies of thrift institutions. A thrift's investment portfolio should be appropriately diversified and the quality of the assets therein must be maintained. Today, as a result of the passage of FIRREA, the ability of savings associations to hold noninvestment grade corporate debt securities and equities is limited, loans to any one borrower are limited, and a savings association's investments in certain subsidiaries are deducted from the association's capital. These restrictions are vital in helping to ensure diversification, maintaining good asset quality, and ensuring an adequate level of capital.

Thrift acquisition of noninvestment grade corporate debt securities and equities present significant risks. The potential impact of price volatility associated with such speculative investments is illustrated by recent experiences in the junk bond market. Numerous junk bonds are now in default; such bonds typically trade, if at all, at only a fraction of their original price. Examples of such bonds held by thrifts include Gillett Holding Corp. bonds which have been trading at approximately 18 cents on the dollar and Federated Department Stores Inc.

bonds also in default and currently quoted at three cents on the dollar. At the peak of junk bond issues in the 1980's, savings and loan associations had invested an estimated \$15.1 billion in junk bonds. By July 1990 the Resolution Trust Company held \$3.7 billion in high-yield bonds acquired from 26 institutions.

Equity prices are more volatile than either corporate earnings or dividends. Equities involve speculation in asset price movements unrelated to the earnings potential of the firm. The drop of 22.6% (508 points) in the Dow Jones Industrial Average (DJIA) on October 19, 1987, the largest one-day decline in history, provides a recent example of the potential variability of equity portfolios. In foreign markets, recent Japanese stock market declines have created capital problems for Japanese banks holding large investments in equities. Price fluctuations of less diversified portfolios may exhibit even greater volatility than broad market indexes.

The market volatility of noninvestment grade debt securities and equities has two negative effects on the portfolios of thrift institutions. First, as asset values vary, the net worth (and equity capital) of savings associations experience wide swings. An institution holding these assets may become insolvent in a short period of time as assets decline in value. Second, these financial instruments may become difficult or even impossible to market, particularly when the firms default on their debt. This is likely to exacerbate liquidity problems for an institution at the time when liquidity is needed most.

Similar problems are likely to be associated with deviations from the loan to one borrower rule. The safety of an institution is compromised if a thrift asset portfolio is not properly diversified. When loans to a single borrower exceed a relatively small proportion of the overall investment portfolio, the risks born by the financial institution increase. In a properly diversified loan portfolio, losses from any one source will have a small impact on the institution. Increased concentration, however, makes an institution more susceptible to failure should a single borrower default.

Subsidiaries represent a different level of risk to thrift institutions. Subsidiaries tend to concentrate in relatively high-risk, competitive industries such as real estate development. These activities are generally relegated to subsidiaries precisely because they are too hazardous to permit in the thrift. Losses

from subsidiary activities may easily exceed capital levels, a situation which would cause the thrift institution to fail and subsequently impose costs on the FDIC. The requirement that savings associations deduct investments in and extensions of credit to a subsidiary is appropriate to protect thrift capital against potential subsidiary failures. The capital deduction rule ensures that thrifts invest (either directly or indirectly) no more in a subsidiary than they can afford to lose. This maintains the capital base for protection against potential asset losses within the thrift institution itself.

Description of Proposed Regulation

In keeping with the above findings and opinions, the Board of Directors proposed amending the FDIC's regulations by adding a new § 333.3 to part 333 providing that SAIF member savings banks would continue to be subject to the safeguards enacted by FIRREA. As proposed, § 333.3 would have applied to any savings association that converted to a state savings bank and retained its membership in SAIF. For the purposes of the proposal the term "conversion" refers to a change in status from a savings association to a SAIF member state savings bank regardless of the manner in which the change in status occurred. The description of the proposal as it was published for comment is reprinted below.

Paragraph (a) of § 333.3 of the proposed regulation provides that § 303.13 of the FDIC's regulations shall apply to a SAIF member state savings bank to the same extent as though the savings bank were a state savings association. Section 303.13 implements section 19(m)(1) and sections 28(a), 28(b), 28(c), and 28(d) of the FDI Act. Section 28 of the FDI Act as added by FIRREA (12 U.S.C. 1831(e)): (1) Prohibits a state savings association from engaging as principal on or after January 1, 1990 in any activity of a type that is not permissible for federal savings associations unless the FDIC determines that the activity poses no significant risk to SAIF and the savings association is, and continues to be, in compliance with the fully phased-in capital standards prescribed under section 5(t) of the Home Owners' Loan Act ("HOLA", 12 U.S.C. 1464(t)) (section 28(a)); (2) provides that a state savings association may engage in activities that are permissible for a federal association but in an amount that would not be permissible for a federal savings association if the state savings association meets the fully phased-in

capital requirements set out in section 5(t) of HOLA and the FDIC has not determined that conducting the activity to such an extent poses a significant risk to SAIF (section 28(b)); (3) prohibits a state savings association from making any equity investments that are not permissible for a federal savings association with the exception of an investment in service corporations if the FDIC grants approval. (The FDIC may approve an investment in an impermissible service corporation if the savings association meets the fully phased-in capital requirements of section 5(t) of HOLA and the FDIC determines that the investment does not pose a significant risk to SAIF.) (section 28(c)); and (4) prohibits state and federal savings associations from acquiring noninvestment grade corporate debt securities (section 28(d)). A savings association that acquired an equity investment or a noninvestment grade corporate debt security prior to the passage of FIRREA that is now an impermissible investment must divest that investment by July 1, 1994. (Sections 28(c) and (d)). Section 18(m)(1) (12 U.S.C. 1828(m)(1)) provides that state as well as federal savings associations (with certain exceptions) must provide the FDIC with 30 days prior notice before acquiring or establishing a subsidiary or conducting any new activity through an existing subsidiary.

Section 303.13 establishes application and notice requirements designed to implement the above described provisions of law. The effect of the cross reference to § 303.13 is that any SAIF member state savings bank that converts from a savings association, be it a state or federal savings association, will be subject to the prohibitions recited in § 303.13 and must file the applications and/or notices required by that section. For example, if a state savings association has filed a plan of divestiture pursuant to § 303.13(d) with respect to an impermissible equity investment, a change of status to a SAIF member state savings bank will not remove the institution's obligation to divest the equity investment. Likewise, a SAIF member state savings bank must continue to apply for the FDIC's permission under § 303.13(b)(1) if it intends to engage in an activity not permissible for a federal savings association. If a federal savings association becomes a state SAIF member savings bank, the savings bank will be treated for the purposes of § 303.13 as though it is a state savings association. In several instances applications may or may not be necessary under § 303.13 based upon

whether an institution meets the fully phased-in capital requirements prescribed by section 5(t) of HOLA. For the purposes of § 333.3 the references to fully phased-in capital as per HOLA should be understood to refer to meeting the capital requirements of part 325 of the FDIC's regulations.

Paragraph (b) of § 333.3 of the proposed regulation prohibits a SAIF member state savings bank that converts from a savings association from making loans to any one borrower to an extent greater than the bank could have done under federal law had the bank not converted. Thus, a converted savings bank will continue to be subject to the loans to one borrower limits set forth in section 5(u) of HOLA. However, if the limit under state law is more restrictive, the state limit shall apply. If the savings bank made any loans since its conversion that would have been in violation of the federal limit had it not converted, those loans need not be divested. (See paragraph (e)(3) of the proposal.)

Paragraph (c)(1) of § 333.3 of the proposal provides that the investment in, and extensions of credit to, a subsidiary by a SAIF member state savings bank that has converted from a savings association shall be deducted from the bank's capital to the same extent that such deduction would be required under federal law had the bank not converted from a savings association. Thus, a converted state savings bank will continue to be subject to the capital deduction requirements set out in section 5(t)(5) of HOLA. This provision results in a deduction from capital if a savings bank invests in a subsidiary that engages in activities that a national bank cannot conduct.

Paragraph (c)(2) provides that any savings bank that converts from a savings association and is under capitalized as of the conversion must file a plan with the appropriate FDIC regional director within 30 days of the conversion describing the means and timing by which the bank will achieve its minimum capital requirements under the FDIC's regulations. Any under capitalized savings bank that converts from savings association that fails to submit a plan, or whose plan is not approved, will be deemed to be engaged in an unsafe or unsound practice in accordance with part 325 of the FDIC's regulations. The requirement to file a capital plan has been included in the proposal as the FDIC is concerned that some states may allow severely under capitalized savings associations to convert to savings banks. If this occurs, the FDIC needs to be in a position to see

that prompt, appropriate supervisory measures are taken to correct the capital deficiency.

Paragraph (d) of § 333.3 of the proposed regulation concerns transactions with affiliates. Section 11(a)(1) of HOLA (12 U.S.C. 1468(a)(1)) makes savings associations subject to the restrictions on transactions with affiliates established by sections 23A and 23B of the Federal Reserve Act (12 U.S.C. 371c, 371c-1). That provision of HOLA, however, imposes two additional restrictions on transactions with affiliates: (1) No loan or other extension of credit may be made to any affiliate by a savings association unless that affiliate is engaged only in activities which the Board of Governors of the Federal Reserve System has determined are permissible for bank holding companies, and (2) no savings association can purchase or invest in securities issued by an affiliate other than shares of a subsidiary. Paragraph (d) reimposes these restrictions on SAIF member state savings banks. The term affiliate shall for the purposes of this paragraph have the same meaning as applicable for the purposes of section 23A of the Federal Reserve Act.

Paragraph (e) of § 333.3 of the proposed regulation covers savings banks that converted prior to the adoption of the regulation. Under paragraph (e)(1)(i) such institutions that are engaged in an activity, or that have an investment, of the type covered by § 303.13 of the FDIC's regulations are prohibited from continuing the activity or retaining the investment without the FDIC's consent. The application procedures set forth in § 303.13 are to be followed when requesting consent to continue the activity or retain the investment. Requests for consent must be filed within 30 days after the regulation becomes effective. If a request for consent is filed, the institution will not be considered to be in violation of the regulation pending approval of the regional director.

Consent will not be granted unless to do so is consistent with § 303.13. Thus, for example, consent to continue an impermissible activity will not be granted if the FDIC determines that the activity poses a significant risk to SAIF or if the savings bank does not meet the capital requirements of part 325.

If a savings bank purchased junk bonds, their retention is not consistent with § 303.13. The bonds must be divested as quickly as prudently possible but in no event later than July 1, 1994. If the institution acquired an impermissible equity investment, it must be divested by July 1, 1994 unless

retention is approved. If consent to conduct an activity is denied, the institution must phase out the activity as quickly as prudently possible.

Under paragraph (e)(3), an institution that converted prior to the adoption of the regulation that established or acquired a subsidiary after its conversion (but prior to the effective date of the regulation) and any institution that initiated any new activity in an existing subsidiary after its conversion (but prior to the effective date of the regulation) must file the notice required by § 303.13(f) pertaining to subsidiaries.

The proposed regulation does not provide any special treatment for institutions that converted prior to the regulation's adoption insofar as the deduction of investments in, and loans to, subsidiaries is concerned. Thus, for example, a savings association that converted to a savings bank prior to the adoption of the regulation and which also prior to the adoption of the regulation established a subsidiary that is engaged in an activity prohibited to a national bank will still be required to deduct its investment in the subsidiary from its capital.

Institutions that do not meet the FDIC's capital requirements as of the effective date of the regulation must file a capital plan within 30 days.

SAIF member savings banks that converted prior to the adoption of the regulation are not required under the proposal to divest loans made in that interim period to affiliates which engage in activities that are not permissible for bank holding companies. (See paragraph (e)(3)). If, however, a converted SAIF member savings bank purchased or invested in securities issued by any of its affiliates in the interim period, the institution must request the FDIC's consent to retain the securities. The procedures for seeking consent are the same as described above. (See paragraph (e)(5)).

Paragraph (f) of § 333.3 of the proposal provides that it shall be unlawful for a SAIF member savings bank to have converted from a savings association unless the FDIC was given advance notice of the intended conversion and a follow-up notice that the conversion did in fact occur is filed with the FDIC within 10 days after the conversion. The follow-up notice only needs to confirm that the conversion took place and the date thereof. The proposal requires that a copy of any application, notice etc. that is required by statute or regulation to be filed seeking approval of the conversion must also be filed with the FDIC simultaneously with the submission of the application to the

appropriate state or federal agency. If the conversion application was filed with the appropriate agency before the regulation became effective, the institution must file a copy of the application with the FDIC as soon as possible after the effective date of the regulation. The copy (as well as the follow-up notice) is to be submitted to the FDIC regional director for supervision for the region in which the bank's principal office is located. The regional director may, for good cause, accept a notice in lieu of a copy of the conversion application, etc. Such notice only needs to indicate that it is the institution's present intent to convert.

Paragraph (f) further provides that any SAIF member state savings bank that converted from a savings association prior to the adoption of the regulation must notify the FDIC of its conversion within 30 days after the effective date of the regulation. Receiving this information will enhance the FDIC's ability to assess the risks posed to SAIF by the conversion of the particular institution given the state enabling legislation and will allow for advance planning on the scheduling of examinations, etc. (The FDIC is the appropriate federal supervisory agency with respect to state savings banks.)

Comment Summary

The FDIC received 33 comments in response to the proposed amendment. The majority of the comments were supportive of the proposal, commended the FDIC for its action, and urged the FDIC to adopt the regulation in final form as quickly as possible. Several of those commenting indicated that the proposed rule would have little impact on savings banks in their state as state law was as restrictive, if not more so, than the proposed rule. One commenter indicated that the proposal was not objectionable as it simply imposed customary and prudent banking practices. A major banking association said "the proposal has been so narrowly drawn and rests so firmly on explicit Congressional mandate that the FDIC's authority to impose restrictions is unquestionable." The same comment went on to say that "the reasonableness of the relationship between the activities of these particular savings associations, whether converted into savings banks or not, and safety and soundness can not be an issue."

One state banking department commented that the proposal was unnecessary, that it overlooked the importance and competence of supervision at the state level, and that the FDIC, rather than imposing restrictions by way of a regulation,

should rely on its broad enforcement tools to address concerns on a case-by-case basis. Another commenter voiced the opinion that the FDIC had not shown there to be a need for the proposal. In direct contrast, however, another state banking department from a state with a long savings bank tradition not only expressed strong support for the proposal but indicated that the proposal bolsters the dual banking system.

Among the opinions expressed by those critical of the proposed amendment was the sentiment that the proposal, if adopted, will reduce the value of a savings bank charter as it would reduce the flexibility otherwise accorded savings banks and increase their regulatory compliance burdens. This would be especially so, indicated the comment, if the proposal is extended to cover all savings banks and not just SAIF member savings banks. (The preamble accompanying the proposal indicated that the FDIC was considering extending the same or similar restrictions to a larger group of insured institutions as the restrictions were designed to address safety and soundness and risk concerns that may be present regardless of the type of institution involved.)

While few of those commenting thought that the proposal would increase regulatory compliance burdens, several did question the validity of "creating two classes of savings banks" and urged the FDIC to either allow converted savings banks to phase-in the powers permitted BIF savings banks or to develop a uniform rule for all savings banks. In this view certain commenters (including the Office of Thrift Supervision, "OTS") argued that the risks addressed by the activity, investment, and other restrictions of the proposal are not confined to any particular type of charter, i.e., if the activities, etc. are risky for SAIF member savings banks, they should be viewed equally as risky for SAIF member commercial banks and other SAIF member institutions. The OTS and several others commenting urged the FDIC to extend the restrictions to all insured institutions for much the same reasons.

As to the specifics of the proposal, several commenters approved of the FDIC requiring a converted institution to file a capital plan with the FDIC if the institution does not upon conversion comply with the capital requirements applicable to nonmember banks. One comment suggested that the FDIC should require that institutions wishing to convert must meet the capital requirements before conversion.

The FDIC also requested comment on whether the regulation should apply to SAIF member federally chartered savings banks that are able to exercise certain grandfathered powers pursuant to section 5(i)(4) of HOLA. As was indicated in the preamble accompanying the proposal, these institutions are not presently subject to the FIRREA restrictions on activities, etc. As written, the proposal would apply if and when the federal institution converts to a state savings bank. Four commenters specifically addressed this aspect of the proposal. Three objected to these institutions being covered on the basis that Congress chose not to do so (the implication being that the FDIC does not therefore have the authority to impose the conditions). One commenter (the Independent Bankers Association of America) voiced the opinion that the regulation should cover section 5(i) institutions.

Discussion of Comments and Description of Final Rule

Based upon the comments received in response to the proposal, the Board of Directors has voted to expand the scope of the proposal to cover all SAIF member state chartered banks. The remainder of the proposal is being adopted substantially as published for comment with certain clarifying changes described below.

Scope of Final Rule

All SAIF Member State Banks

The Board of Directors is persuaded upon reflection that the risks presented to the SAIF fund by the conduct by SAIF member state chartered banks of activities otherwise prohibited by statute to SAIF member savings associations is a concern regardless of whether the SAIF member is a savings bank, a commercial bank or some other form of bank. Therefore, the final rule has been revised so as to bring within its scope any savings association that becomes a state bank and retains its membership in SAIF. The rule focuses on state chartered institutions as it is in the state arena that powers developments are rapidly unfolding. Savings associations converting to national banks (SAIF member national banks) will not be covered by the final rule as national banks operate under a federally legislated scheme that subjects them (with only minor exceptions) to the same, if not more stringent, restrictions than would be imposed by the regulation.

Section 5(i) SAIF Member Federal Savings Banks

The final regulation as adopted will include within its scope any SAIF member federally chartered savings bank that becomes a state bank and retains its membership in SAIF regardless of whether the federal savings bank was eligible under its federal charter to exercise grandfathered activities pursuant to section 5(i)(4) of HOLA. While several comments objected to including the section 5(i) federal savings banks within the scope of the regulation, the FDIC is of the opinion that it is well within its authority to do so and that doing so is warranted. Such institutions do not have an unfettered right to conduct activities pursuant to section 5(i). Section 5(i) of HOLA specifically provides that the exercise of grandfathered powers is dependent not only upon the Director of OTS authorizing the conduct of the activities but also upon the FDIC's authority pursuant to section 18(m)(3) of the FDI Act to prohibit the activities if they pose a serious threat to SAIF. The imposition of the regulation on such institutions will not in and of itself necessarily preclude the continued conduct of the grandfathered activities except in the case of investments in junk bonds and direct equity investments (other than in service corporations) of the type generally not permitted to federal savings associations. Section 303.13 of the FDIC's regulations which is made applicable to these institutions by the final regulation allows the continued exercise of activities and retention of equity investments in service corporations if it is determined that the activities and investments do not pose a significant threat to SAIF and if the institution is adequately capitalized. Thus section 5(i) SAIF member federal savings banks that convert may apply for permission to continue the conduct of the activities.

BIF Member Banks

The Board of Directors has not at this time voted to extend the restrictions contained in the proposal to BIF member insured institutions. Nor does the proposal cover those section 5(i) federal savings banks that are SAIF members so long as they retain their status as federal savings banks. The Board wishes to stress that the decision to limit this regulation to SAIF member state banks that convert from savings associations has been done so that this regulation can go forward as quickly as possible. The FDIC continues to review the issue of expanded powers and hopes to in the very near future propose a

regulation dealing with the types of concerns discussed in connection with this regulation but in the context of all insured financial institutions. It is not the FDIC's desire to permanently establish two classes of insured banks. Until such time as any regulation that results from that effort is in place, however, it is viewed as extremely important by the Board of Directors to act to reimpose the FIRREA restrictions designed to protect SAIF from harm.

Other Amendments

Two additional changes are being made in the final rule.

Section 333.3(b) as proposed provided that no SAIF member state savings bank could make loans to any one borrower to a greater extent than a savings association is permitted under section 5(u) of HOLA. Section 5(u) limits a savings association in making loans to any one borrower to the limit applicable to a national bank but provides several exceptions. One of those exceptions is applicable only if, among other things, the association meets its fully phased-in capital requirements and the Director of OTS by order allows the association to take advantage of the exception. Language has been added to § 333.3(b) as adopted in final to clarify that in administering § 333.3(b) the reference to fully phased-in capital refers to the capital requirements in part 325 of the FDIC's regulations and that the reference to the Director of OTS shall be understood to refer to the Board of Directors.

Lastly, the opening reference in § 333.3(f) of the proposal stating that it shall be "unlawful" for an institution to have converted without providing the FDIC with a copy of its conversion application, etc. before hand has been changed. The opening now reads that "it shall be considered a violation of this regulation" for an institution to convert without having filed a copy of its conversion application with the FDIC before the conversion. The language change is being made to avoid the appearance that failure to file the requisite copy is a violation of some other federal statute.

Definition of Savings Bank

The preamble accompanying the proposed regulation indicated that whether any particular savings association becomes a savings bank for the purposes of section 3(g) of the FDI Act depends upon the particular state legislation and comment was requested on what criteria the FDIC should use in determining whether the requirements of section 3(g) have been met. Section 3(g)

defines a savings bank to be a bank that transacts its ordinary banking business strictly as a savings bank under a state law imposing special requirements on the manner in which the savings bank can invest its funds and conduct its business. The FDIC received several comments which suggested various criteria that the FDIC might use. Among the criteria suggested by the commenters were the following: (1) Is there a savings bank tradition in the state; (2) is there a different supervisor for savings banks and savings associations; (3) does the law require savings banks to have higher capital than savings associations; (4) are savings banks and savings associations chartered by a different regulatory body; (5) does the FDIC have a good working relationship with the savings bank charterer and is the FDIC comfortable with the savings bank supervisor's examination methodology; (6) are the savings banks involved in home mortgage financing to a lesser extent than savings associations; (7) does the law allow savings banks greater commercial lending than it allows savings associations; (8) are the savings banks more liquid than savings associations; (9) is the savings bank law its own separate act or is it an amendment to the savings association act; and (10) are there any significant differences between savings associations and savings banks in the following areas: Organization and incorporation, charter, capital requirements, investment authority, corporate transaction authorization, and supervisory scheme.

In view of the fact that the Board of Directors has voted to expand the coverage of the regulation in its final form to any SAIF member insured state chartered bank, it is not necessary to define the term "savings bank" for the purposes of the final regulation. The FDIC still intends, however, to review the comments received on this issue and hopes to publish a policy statement in the near future that will provide further clarification on how to differentiate a savings association from a savings bank for the purposes of the FDI Act.

Statutory Authority

As discussed above, the FDIC's Board of Directors has determined that certain acts and practices by SAIF member state banks present a threat to SAIF and that the deduction of such an institution's investment in, the loans to, certain subsidiaries is necessary to further prevent risk to SAIF. Likewise the Board of Directors has determined that in order to prevent risks to the fund the FDIC should receive prior notice

from such institutions before a subsidiary is acquired or established or an existing subsidiary initiates any new activity. The Board of Directors has also determined that advance notice of a conversion is necessary if the FDIC is to properly discharge its responsibilities under the FDI Act. Finally, consistent with existing regulations, the Board of Directors has determined that as it is unsafe and unsound for an under capitalized institution to operate without a capital plan. SAIF member state banks that do not meet the FDIC's capital requirements must file a capital plan after their conversion.

Based upon these determinations, the FDIC is adopting the final regulation more fully described above. The FDIC's action in doing so is fully consistent with the FDIC's purpose and is authorized by sections 6, 8, 9, and 18(m)(3)(A) of the FDI Act (12 U.S.C. 1816, 1818, 1819 (Tenth), 1828(m)(3)(A)).

The FDIC has the broad general authority to adopt this regulation under section 9 of the FDI Act which authorizes the FDIC to issue whatever regulations "it may deem necessary to carry out the provisions of the (Federal Deposit Insurance Act) or of any other law which it has the responsibility of administering or enforcing * * *". 12 U.S.C. 1819 (Tenth). Pursuant to this authority the FDIC may adopt substantive regulations designed to further the purposes for which the federal deposit insurance system was established. It is settled that binding legislative rules based on general rulemaking authority may be issued so long as the rules are reasonably related to the purpose of the enabling legislation containing the general rulemaking authority. *Mourning v. Family Publications Services*, 411 U.S. 336, 369 (1973) (quoting *Thorpe v. Housing Authority of the City of Durham*, 303 U.S. 268, 280-281 (1969)). It is clear from the legislative history of the FDI Act that in the shadow of the banking collapse Congress sought to restore public confidence in the banking system, promote safe and sound banking practices, eliminate runs on banks by depositors, and safeguard deposits. It did so through the mechanism of providing for a system of federal deposit insurance and creating the FDIC to administer the deposit insurance program. *FDIC v. Allen*, 584 F. Supp. 386 (E.D. Tenn. 1984). More recently, with the enactment of FIRREA, the FDIC was given the responsibility of administering the federal deposit insurance system for savings associations as well as banks. FIRREA placed the savings and loan insurance fund under the FDIC's

administration, established an elaborate funding mechanism designed to rehabilitate the fund, and established safeguards designed to protect savings associations and SAIF. The legislative history of FIRREA is replete with statements that Congress sought to correct the problems which lead to the failure of so many savings and loan associations and the savings and loan insurance system. In some measure those failures were attributed to activities, investments and practices authorized for state savings associations that federally chartered entities could not do.

Administering the SAIF fund means among other things, taking action to protect the solvency of SAIF. As the safety and soundness of SAIF is inextricably linked with the safety and soundness of SAIF member institution, and the risks those institutions undertake, *Federal Deposit Insurance Corporation v. Citizens State Bank*, 130 F.2d 102, 104 n. 6 (8th Cir. 1942), and the FDIC is directed under section 11(f) of the FDI Act to pay insured deposits whenever an insured depository institution is closed "on account of inability to meet the demands of its depositors" (12 U.S.C. 1821(f)), the FDIC must preserve the solvency of SAIF in order to fulfill its mandate when called upon. Any practice by an insured institution that may jeopardize its safety and soundness, or in some other manner present a risk to SAIF, is therefore a proper target of the FDIC's regulatory oversight.¹

Section 6 of the FDI Act (12 U.S.C. 1816) represents an additional source of authority for the regulation apart from that derived from the FDIC's general rulemaking authority. Section 6 provides the FDIC with express authority to determine what activities are appropriate for financial institutions in light of the federal deposit insurance safety net and what activities, if

¹ Any SAIF member institution that was FSLIC insured prior to the enactment of FIRREA and which fails prior to August 9, 1992 is the responsibility of the Resolution Trust Corporation ("RTC"). Funds expended in the resolution of such failures do not come from SAIF. That fact does not mean, however, that there is no need for the FDIC to act now to prevent SAIF member state banks from engaging in the practices covered by the regulation. The ill effects associated with these investments, etc. may not necessarily result in failures in the short term but will certainly accumulate over the long term. In the meantime, imposing the restrictions should help reduce the number of failures RTC needs to resolve. This perhaps unintended "by product" of the regulation is consistent with the FDIC's statutory responsibilities as the manager of RTC. As such, it is yet another reason why the regulation is within the scope of the FDIC's authority.

conducted by an insured institution, will pose an unacceptable risk to the funds. Before an institution receives deposit insurance the FDIC must be satisfied that the institution will exercise its corporate powers properly, that those powers are not inconsistent with the purposes for which the deposit insurance system was established, and that the institution if permitted to join the deposit insurance system will not pose an unacceptable risk to the fund. The FDIC's ability to determine what corporate powers are consistent with the purposes of the FDI Act and what powers pose a risk to the fund in essence creates a fundamental, and continuing, condition of deposit insurance. This provision of the FDI Act confers an important power and responsibility on the FDIC to assess its insurance risk and the corollary responsibility and authority to take steps to limit that risk. In doing so the FDIC is not limited to announcing its determinations on a case-by-case basis but may adopt a regulation of general applicability setting forth what powers, practices, etc. are considered to pose a risk to the fund of such magnitude as to warrant prohibiting those activities to institutions currently in the fund and conditioning entry into the fund on not engaging in such practices. *Independent Bankers Association v. Heimann*, 613 F.2d 1164 (D.C. Cir. 1979, cert. denied, 449 U.S. 823 (1980)).

The FDIC also derives authority for the regulation from section 8 of the FDI Act (12 U.S.C. 1818). The FDIC was given the authority, and the responsibility, under section 8 of the FDI Act to ensure that banks observe safe and sound banking practices. This was done so that the FDIC might act to ensure that the banking system will function properly; that the public confidence in the banking system does not falter; and that the solvency of the deposit insurance fund is not endangered due to bank failures. Over the years the FDIC's enforcement powers have been strengthened by Congress in an ever increasing recognition that the FDIC needs strong tools to accomplish its purposes. A wide latitude of discretion was given to the FDIC "in filling in and administering the details embodied by the general standard" in the FDI Act to promote safe and sound banking practices. *Heimann*, 1169. What is and is not an unsafe or unsound banking practice and what constitutes an unsafe or unsound condition is left to the FDIC to determine in its expertise as "one of the purposes of the banking acts is clearly to commit the progressive

definition and eradication of (unsafe and unsound banking) practices to the expertise of the appropriate regulatory agencies." *Gross National Bank v. Comptroller of the Currency*, 573 F.2d 889, 897 (5th Cir. 1978). The FDIC may do so either by order or regulation. It was established by the court in *Heimann* that the Office of the Comptroller of the Currency, which has the authority to initiate a cease-and-desist action against a national bank, is not confined to initiating individual enforcement actions under section 8 but may, at its discretion, adopt substantive regulations defining what constitutes an unsafe or unsound practice and what practices involve the violation of particular statutes or regulations.

[A] regulation giving advance notice of conduct which the Comptroller disapproves as threatening to the safety and soundness of the banks he regulates is wholly consistent with the statutory scheme. * * * His ability to forewarn by specifying and clarifying the nature and scope of his concerns will at the same time minimize the necessity for recurrent and costly investigation into the conduct of the many individual banks under his supervision.

Heimann, 1168-1169.

The principle in *Heimann* applies equally in the case of other federal financial regulators which were given cease-and-desist authority over the institutions they supervise was made clear in *Lincoln Savings and Loan Association v. Federal Home Loan Bank Board*, 856 F.2d 1558, 1563 (D.C. Cir. 1988). The *Lincoln* court citing *Heimann* as precedent equally applicable to the FHLBB found that the FHLBB's power to issue an order to cease and desist engaging in an unsafe and unsound banking practice carries with it the authority to announce by regulation what constitutes an unsafe or unsound banking practice. Like the Comptroller of the Currency and the FHLBB, the FDIC can rely upon the provisions of the FDI Act granting it authority to issue cease-and-desist orders (section 8(b)) and to promulgate rules with respect to such proceedings (section 8(n)) as authority for this regulation.

The final regulation is also authorized by 8(a) of the FDI Act. As indicated above, 8(a) permits the FDIC to terminate deposit insurance when it is determined that an institution is in an unsafe or unsound condition. That provision provides the authority for the adoption of substantive rules designed to protect bank safety and soundness and protect the deposit insurance fund in much the same way that 8(b) authorizes the adoption of substantive regulations. The FDIC is permitted to announce by regulation the banking

practices which it has determined to be unsafe and unsound and thereby forewarn of the circumstances in which termination of deposit insurance may be sought. *National Council of Savings Institutions v. Federal Deposit Insurance Corporation*, 664 F.Supp. 572 (D.D.C. 1987).

Finally, in addition to the authority conferred on the FDIC to adopt this regulation based upon sections 6, 8 and 9 of the FDI Act, the FDIC is granted the express authority to do so under section 18(m)(3)(A) of the FDI Act (12 U.S.C. 1828(m)(3)(A)). Section 18(m)(3)(A) expressly provides that the FDIC may adopt regulations prohibiting any specific activity that poses a serious threat to SAIF. The Board of Directors has herein determined that if the restrictions imposed by this regulation are not observed a serious threat will be posed to SAIF. Furthermore, the Board of Directors has determined that receiving timely notice of a conversion by a savings association to a SAIF member state bank will enhance the FDIC's ability to protect SAIF from serious threats and will allow for the more timely and orderly discharge of the FDIC's responsibilities to examine and supervise state banks.

Regulatory Flexibility Analysis

The Board of Directors has determined that the final amendment, if adopted, will not have a significant economic impact on a substantial number of small entities. Therefore, the FDIC is not required to conduct a regulatory flexibility act analysis pursuant to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Compliance with the final regulation will not necessitate the development of sophisticated recordkeeping and reporting systems by small institutions nor the expertise of specialized staff accountants, lawyers, or managers. It is therefore not expected that compliance with the regulation will have a disparate economic impact on institutions depending upon their size. In addition, pursuant to the FDIC's statement of policy on the drafting of regulations, it has been determined that a cost-benefit analysis, including a small bank impact statement is not required.

List of Subjects in 12 CFR Part 333

Banks, banking.

In consideration of the foregoing, the FDIC hereby amends part 333 of title 12 of the Code of Federal Regulations as follows:

PART 333—EXTENSION OF CORPORATE POWERS

1. The authority citation for part 333 is revised to read as follows:

Authority: 12 U.S.C. 1816, 1818, 1819, 1820(m).

2. Part 333 is amended by adding new § 333.3 to read as follows:

§ 333.3 Savings Association Insurance Fund ("SAIF") member state banks formerly savings associations.

(a) *Activities, investments, prior notice on subsidiaries.* The prohibitions and application and notice requirements set forth in § 303.13(a) through § 303.13(f) of this chapter shall apply to all SAIF member state banks to the same extent as though the bank is a state savings association. Any FDIC employee who has been delegated the authority to act on notices and applications filed pursuant to § 303.13 of this chapter shall have the same delegated authority to act on an application or notice filed pursuant to the requirements of this section. For the purposes of administering this section, all references in § 303.13 of this chapter to the fully phased-in capital requirements prescribed under section 5(t) of the Home Owners' Loan Act ("HOLA", 12 U.S.C. 1464(5)(t)) shall be understood to refer to the capital requirements prescribed by part 325 of this chapter.

(b) *Loans to one borrower.* No SAIF member state bank may make loans to any one borrower to a greater extent than a savings association is permitted under section 5(u) of HOLA (12 U.S.C. 1464(u)). For the purposes of administering this section, the reference in section 5(u) of HOLA to "fully phased-in capital" shall be understood to refer to capital requirements prescribed by part 325 of this chapter and the reference to "Director" shall be understood to refer to the Board of Directors of the FDIC.

(c) *Capital.* (1) The investment in, and extensions of credit to, a subsidiary by a SAIF member state bank shall be deducted from the bank's capital to the same extent that would be required under section 5(t)(5) of HOLA (12 U.S.C. 1464(t)(5)) in the case of a savings association.

(2) Any SAIF member state bank that converts from a savings association that does not meet the minimum capital requirements set out in part 325 of this chapter as of the date of its conversion must file a plan describing the means and timing by which the bank will achieve its minimum capital requirements. The plan must be filed with the FDIC regional director for

supervision for the region in which the bank's principal office is located no later than 30 days after its conversion. For the purposes of this section, any savings association that changes its status to a SAIF member state bank regardless of the manner in which the status change occurs will be considered to have converted from a savings association to a bank.

(d) *Affiliate transactions.* No SAIF member state bank may engage in any transaction with any of its affiliates if such transaction would be prohibited under section 11(a)(1) of HOLA (12 U.S.C. 1468) in the case of a savings association.

(e) *SAIF member state banks that converted prior to June 5, 1991.* (1) Section 333.3(a) of this part notwithstanding:

(i) Any SAIF member state bank that converted from a savings association prior to June 5, 1991 which as of that date is engaged in an activity, or has an investment, of the type covered by § 303.13 of this chapter, may not continue the activity, or retain the investment, without the FDIC's consent. Requests for consent should be filed in accordance with the procedures set forth in § 303.13 of this chapter within 30 days after June 5, 1991; and

(ii) No SAIF member state bank that files a request for consent pursuant to paragraph (e)(1)(i) of this section shall be found in violation of this section pending approval from the regional director. Consent will only be granted if the FDIC determines that the activity or the retention of the investment is consistent with § 303.13 of this chapter. If consent is denied, the bank must divest the investment in accordance with § 303.13 of this chapter. In the case of a denial of a request to continue an activity, the bank shall cease the activity as quickly as prudently possible.

(2) Any SAIF member state bank that converted from a savings association prior to June 5, 1991, that established or acquired a subsidiary since its conversion but prior to June 5, 1991, or which initiated the conduct of new activities in an existing subsidiary since such conversion but prior to June 5, 1991, must file the notice required by § 303.13(f) of this chapter.

(3) Sections 333.3(b) and 333.3(d) notwithstanding, a SAIF member state bank that converted from a savings association prior to June 5, 1991 shall not be required by this section to divest any loans made prior to that date that would have at that time been in violation of the federal loans to one borrower limit or the federal restriction on transactions

with affiliates had the bank not converted.

(4) Any SAIF member state bank that converted from a savings association prior to June 5, 1991, that does not meet the minimum capital requirements set out in part 325 of this chapter as of June 5, 1991, must file a plan describing the means and timing by which the bank will achieve its minimum capital requirements. The plan must be filed with the FDIC regional director for supervision for the region in which the bank's principal office is located not later than 30 days after June 5, 1991.

(5) Any SAIF member state bank that converted from a savings association prior to June 5, 1991 that after its conversion but prior to such date purchased or invested in securities issued by an affiliate (other than shares issued by a subsidiary) cannot retain those securities without the FDIC's consent. Requests for consent should be filed in accordance with the procedures set forth in § 303.13 of this chapter within 30 days after June 5, 1991. No SAIF member state bank that files a request for consent pursuant to this section shall be found in violation of this section pending approval from the regional director. If consent is denied, the bank must divest the securities in accordance with § 303.13 of this chapter.

(f) *Notice of conversion.* (1) It shall be considered a violation of this regulation for any SAIF member state bank to have converted from a savings association unless prior to the conversion the bank filed with the FDIC a copy of any application, notice, etc. required by statute or regulation to be filed with any other federal or state agency seeking approval for the conversion. The copy should be sent to the FDIC regional director for supervision for the region in which the bank's principal office is located at the same time it is submitted to the appropriate agency for approval. If a conversion application was submitted prior to June 5, 1991, a copy of the application should be filed with the FDIC regional director as soon as possible after June 5, 1991. If the conversion takes place, the bank must file a follow-up notice with the regional director not later than 10 days after the conversion confirming that the conversion did occur and the date thereof.

(2) Section 333.3(f)(1) notwithstanding, when the regional director determines that there is good cause to do so, the regional director may accept a letter notice in satisfaction of the requirement to file with the FDIC a copy of the conversion application or notice.

(3) A SAIF member state bank that converted from a savings association prior to June 5, 1991 must notify the FDIC regional director for supervision for the region in which the bank's principal office is located not later than July 5, 1991 that the conversion took place and the date thereof.

By Order of the Board of Directors. Dated at Washington, DC, this 30th day of April 1991.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 91-10652 Filed 5-3-91; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-34-AD; Amdt. 39-6998]

Airworthiness Directives; Boeing Models 707, 727, 737, 747, and 757 Series Airplanes; and McDonnell Douglas Models DC-8, DC-9 (Includes MD-80), and DC-10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing and McDonnell Douglas airplanes, which currently requires certain operational and equipment changes and design modifications to be accomplished to maximize cargo fire detection and protection. The existing rule (AD 89-18-12 R1) was based on the FAA's determination that the existing Class B cargo compartment firefighting procedures and fire protection features did not provide adequate protection from a fire that could occur in main deck cargo areas, and could result in the loss of an airplane if an uncontrolled cargo fire occurred. This amendment revises certain portions of the existing rule and allows additional time to comply with certain other requirements. This amendment is prompted by additional information concerning firefighting concepts which has been received since issuance of the original AD, and by reports from operators concerning the severe economic impact caused by implementing the existing AD within the required compliance period.

EFFECTIVE DATE: May 1, 1991.

ADDRESSES: Send comments in duplicate to the Federal Aviation Administration, Northwest Mountain

Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 91-NM-34-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

FOR FURTHER INFORMATION CONTACT:

Ms. Susan Letcher, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-130S, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2670; or Mr. Kevin Kuniyoshi, Los Angeles Aircraft Certification Office, Systems and Equipment Branch, ANM-130L, Northwest Mountain Region, 3229 E. Spring Street, Long Beach, California 90806-2425; telephone (213) 983-5337.

SUPPLEMENTARY INFORMATION:

A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 89-18-12 R1, Amendment 39-6557 (55 FR 11163, March 27, 1990), applicable to certain Boeing and McDonnell Douglas airplanes, to revise certain portions of the existing rule and allow additional time to comply with certain other requirements, was published in the Federal Register on March 4, 1991 (56 FR 8935).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Comments were received through March 25, 1991, concerning the proposed current changes to the existing AD. The comment period relating to other aspects of the AD extends through May 25, 1991. Due consideration has been given to the comments received.

Discussion of Comments

Seven commenters agreed with the proposed two year delay for implementation of the requirement for a trained firefighter because (1) it allows sufficient time to evaluate test data from the FAA Technical Center regarding firefighting equipment and procedures, and (2) it provides for time to prepare and implement firefighter training programs and facilities, and the subsequent training of airline personnel.

Three commenters disagreed with the proposed two year delay for implementation of the requirement for trained firefighters. They stated that an adequate level of safety would not be provided in the interim and that the FAA and industry had not diligently pursued preparation of firefighter training guidelines. Two of the commenters recommended a six month to one year delay rather than the two year delay proposed by the NPRM. The FAA does not agree. Recent tests at the FAA Technical Center indicate that methods for fighting aircraft fires should

be re-evaluated. This testing is ongoing and definitive data and conclusions have not been available to date, and would not be available to support the shortened delay recommended by the commenters. An interim level of safety is being provided by requiring pre-flight inspections for firefighting access and the addition of improved firefighting equipment. Under existing operating rules, basic training in the use of this equipment will be required. The two year extension was selected because it would allow time for completion of testing at the FAA Technical Center, allow time for the FAA to prepare comprehensive training guidelines, and allow time for the training of operator personnel in specific techniques for handling cargo fires.

One commenter recommended that FAA training guidelines be published in the final rule. The FAA concurs with the commenter that the guidelines should be readily accessible, but is not prepared at this point to publish them in the final rule. The FAA is currently developing guidelines that may address:

- Theory and use of protective breathing equipment;
- Use of protective garments;
- Hazardous materials, fire chemistry, and behavior;
- Theory of fire extinguishment and use of portable fire extinguishing equipment;
- Aircraft fire protection features, systems, and their use;
- Search and rescue in cargo compartments and aircraft layouts;
- Cargo loading envelope familiarization;
- Aircraft-specific emergency procedures;
- Other appropriate aircraft systems;
- Aircraft communication systems and use;
- Emergency medical care; and
- Fighting various types of fires in a well simulated aircraft environment.

Further rulemaking, which may incorporate appropriate training guidelines, is anticipated following the second phase of the comment period pertaining to the proposal, for which comments are due by May 25, 1991.

Seven commenters agreed with the proposed delay for implementation of the 30-minute periodic inspection. One of these commenters requested an additional two to nine months delay to accommodate development and installation of the thermal monitoring system for Model 747 airplanes. The FAA does not concur with this extension. Development and implementation times were taken into consideration in the formulation of the

proposed rule, and the FAA determined that the two year delay is reasonable. In addition, operators will retain the option to perform 30-minute walk-through inspections in the interim if the thermal monitoring system cannot be installed within the two year timeframe.

Three commenters disagreed with the two year postponement for implementation of the 30-minute walk-through inspection. They indicated that an interim level of safety would not be provided during the two year delay. One commenter recommended instead a six to nine month delay in implementation. The FAA does not concur. Paragraph A. continues to require upgraded equipment and pre-flight inspections which, in conjunction with the current smoke detectors, ensure that an interim level of safety is maintained. The two year extension was specifically selected to allow for implementation of trained firefighters and to allow additional time for development and installation of the optional thermal monitoring system.

Three commenters recommended modified walk-through inspections. Two of the commenters recommended that the inspections could be performed by flight attendants. The other commenter recommended modified walk-through inspections at 60-minute intervals and after turbulence. Although persons other than the firefighter could be trained to perform the walk-through inspections, many operators would continue to suffer severe economic penalties because they would still require additional flight attendants to accommodate the 30-minute inspections. No evidence was submitted to the FAA concerning the effectiveness of 60-minute inspections. The FAA agrees that post-turbulence walk-through inspections are of potential value and will consider further rulemaking on this subject. An interim level of safety is being provided by requiring the upgraded firefighting equipment and pre-flight inspections.

One commenter supported the option to allow 30-minute walk-through inspections in lieu of installing a thermal monitoring system.

Six commenters recommended that the pre-flight inspections could be performed by a person other than a flight deck crewmember. These commenters recommended that flight attendants or ground personnel could be appropriately trained to perform this function. The FAA disagrees. The flight deck crew is responsible for the overall safety of the airplane and is responsible for preflight inspections prior to departure. The pre-flight inspection of the cargo compartment should not be delegated because of its safety implications.

Two commenters recommended that the FAA modify the AD to either require a video monitoring system or accept it in lieu of 30-minute inspections. The FAA disagrees. Although such a system could potentially be an acceptable alternative method of compliance, no such system has been certificated to date, and the FAA has not received sufficient data on the system to make an assessment at this time. Such a system, when certificated, could be evaluated as an alternative method of compliance to the walk-through requirement.

One commenter disagreed with certain proposed requirements of paragraph A. as they would apply to narrow-body Combi airplanes. This commenter stated that there was insufficient space for installation of some of the portable extinguishers and that loading placards were unnecessary because cargo can only be loaded in one configuration. The FAA disagrees. The commenter has merely stated that space cannot be found to place the extinguishers, but has not provided justification for either a reduction in the number of extinguishers or a deviation in their placement. Loading placards not only tell where cargo can be loaded, but also the minimum clearances allowable for firefighting access.

One commenter recommended that the phrase "general fire security" be eliminated from the pre-flight inspection requirement of paragraphs A.1. and B.3.a.(2) of the AD. The FAA disagrees. The pre-flight inspection is intended not only to verify access to the cargo for firefighting, but also to verify that cargo has been appropriately secured and that no anomalies, such as leaking of fluids, have occurred.

One commenter recommended that fire safety requirements for narrow body aircraft should be proportionate to the risk which their flight experience dictates as appropriate. This commenter pointed out that certain requirements of the NPRM cannot easily be met by existing narrow-body Combi airplanes. Operators that cannot feasibly comply with the AD requirements can submit requests for alternative methods of compliance for FAA review. Alternative methods of compliance that have been previously accepted for AD 89-18-12 R1 continue to be acceptable for this amendment.

One commenter requested clarification of the term "cargo compartment entrance," which is used in proposed paragraphs A.2.a., A.2.b., and A.2.d. The FAA notes that the "cargo compartment entrance" is the entrance through which the flight crew member fighting the fire, or the trained firefighter required by paragraph B.3. of

the AD, is most likely to enter the cargo compartment. This is usually the door which separates the cargo compartment from the passenger cabin. The AD has not been modified to add this clarification because the placement of equipment is dependent upon the airplane configuration and must be FAA-approved.

One commenter recommended that the Model MD-80 be removed from the applicability of the rule because it does not have a type certificated main deck Class B cargo compartment. The FAA does not agree. This airplane could be modified in the future by means of a Supplemental Type Certificate to incorporate a main deck Class B cargo compartment and, therefore, will not be removed from the AD applicability.

One commenter pointed out a typographical error in the lettering of paragraphs B.3.k. and on. This error has been corrected in the final rule.

Several commenters submitted comments to paragraph B. of the proposed rule. These comments will be filed and addressed during the second phase of the comment period. The deadline for comments to paragraph B. is May 25, 1991.

Paragraph D. of the final rule has been revised to specify the current procedure for submitting requests for approval of alternative methods of compliance.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes discussed previously. The FAA has determined that these changes will neither significantly increase the economic burden on any operator nor increase the scope of the rule.

Since this amendment relieves a restriction, it is made effective upon display at the Federal Register.

This is considered interim action. The FAA is considering further rulemaking on this subject to address additional comments that may be received from the public concerning certain portions of this rule.

Cost Impact

There are approximately 278 Boeing Model 707, 727, 737, 747, and 757 series airplanes and 124 McDonnell Douglas Model DC-8, DC-9, and DC-10 series airplanes of the affected design in the worldwide fleet. It is estimated that approximately 80 Boeing Model 707, 727, 737, 747, and 757 series airplanes, and 124 McDonnell Douglas Model DC-8, DC-9 (includes MD-80 series), and DC-10 series airplanes, of U.S. registry have been certified to operate with a Class B

main deck cargo compartment. Many of these airplanes have been permanently operated in the all-passenger configuration and are, therefore, not affected by this rule. Approximately 40 of these airplanes, presently operated by U.S. operators in the mixed cargo/passenger configuration, are affected by this amendment.

The design alternative selected by the operator will have a significant impact on the cost of complying with this AD. The highest cost option is expected to be the conversion to a Class C compartment, as defined in paragraph B.1. of this rule. A conservative cost estimate for such a modification, based upon costs of required materials, labor, and testing, is \$1,000,000 per airplane. Based on these figures, the total cost of the AD on U.S. operators is estimated to be \$40,000,000.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Public Law 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding Amendment 39-6557 (55 FR 11163, March 27, 1990), AD 89-18-12 R1, with the following new airworthiness directive:

Boeing and McDonnell Douglas: Applies to Boeing Models 707, 727, 737, 747, and 757 series airplanes, and McDonnell Douglas Models DC-8, DC-9 (includes MD-80 series), and DC-10 series airplanes; equipped with a main deck Class B cargo compartment, as defined by FAR 25.857(b) or its predecessors, with a volume exceeding 200 cubic feet; certificated in any category. Compliance required as indicated, unless previously accomplished.

To minimize the hazard associated with a main deck Class B cargo compartment fire, accomplish the following:

A. Within one year after May 3, 1990 (the effective date of Amendment 39-6557, AD 89-18-12 R1), or prior to carrying cargo in a Class B cargo compartment, whichever occurs later, accomplish the following in accordance with the appropriate technical data approved by the Manager, Seattle Aircraft Certification Office (for Boeing series airplanes), FAA, Transport Airplane Directorate; or the Manager, Los Angeles Aircraft Certification Office (for McDonnell Douglas series airplanes), FAA, Transport Airplane Directorate:

1. Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following: "For Each Flight in Which Cargo is Transported in the Class B Cargo Compartment:

Prior to flight, a flight deck crewmember must make a visual inspection throughout the Class B cargo compartment to verify access to cargo and the general fire security of the compartment after the cargo door is closed and secured."

2. Incorporate the following systems and equipment:

a. Provide appropriate protective garments stored adjacent to the cargo compartment entrance.

b. Provide a minimum of 30 minutes of protective breathing. This equipment must meet the requirements of Technical Standard Order (TSO) C-116, Action Notice 8150.2A, or equivalent, and be stored adjacent to the cargo compartment entrance.

c. Provide a minimum of 48 lbs. Halon 1211 fire extinguishant, or its equivalent, in portable fire extinguisher bottles readily available for use in the cargo compartment. At least two bottles must be a minimum of 16 lb. capacity.

d. Provide at least two Underwriters Laboratories (UL) 2A (2½ gallon) rated water portable fire extinguishers, or its equivalent, adjacent to the cargo compartment entrance for use in the compartment.

e. Provide a means for two-way communication between the flight deck and the interior of the cargo compartment.

f. Install placards in conspicuous place(s) within the cargo compartment clearly defining the cargo loading envelope and limitations that provide sufficient access of sufficient width for firefighting along the

entire length of at least two sides of a loaded pallet or container. Amend the appropriate Weight and Balance and loading instructions by description and diagrams to include this information.

Note: In accordance with paragraph C. of this AD, if the requirements of paragraph B.1. or B.2. of this AD are accomplished within one year after the effective date of AD 89-18-12 R1, compliance with paragraph A. of this AD is unnecessary.

B. Within three years after May 3, 1990 (the effective date of Amendment 39-6557, AD 89-18-12 R1), or prior to carrying cargo in a Class B cargo compartment, whichever occurs later, accomplish the requirements of paragraph B.1., B.2., or B.3., below:

1. Modify the Class B cargo compartment to comply with the requirements for a Class C cargo compartment, as defined in FAR 25.855 (Amdt. 25-60), 25.857(c), and 25.858 (Amdt. 25-54).

2. Modify all main deck Class B cargo compartments to require the following placard installed in conspicuous locations approved by the Manager, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate (for Boeing airplanes), or the Manager, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate (for McDonnell Douglas airplanes), throughout the compartment:

"Cargo carried in this compartment must be loaded in an approved flame penetration-resistant container meeting the requirements of FAR 25.857(c) with ceiling and sidewall liners and floor panels that meet the requirements of FAR 25, Appendix F, Part III, (Amdt. 25-60)."

3. In addition to the requirements of paragraph A.2. of this AD, accomplish the following in accordance with technical data approved by the Manager, Seattle Aircraft Certification Office (for affected Boeing series airplanes), or the Manager, Los Angeles Aircraft Certification Office (for affected McDonnell Douglas series airplanes), to include the following:

a. Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following: "For Each Flight in Which Cargo is Transported in the Class B Cargo Compartment:

(1) For airplanes having compartments of 200 square feet or less of cargo/baggage floor area, a minimum of one individual trained to fight cargo fires must be provided. (This individual is in addition to the crewmembers required by the operational rules.)

(2) Prior to flight, a flight deck crewmember or the individual required by the previous paragraph B.3.a.(1) must make a visual inspection throughout the Class B cargo compartment to verify access to cargo and the general fire security of the compartment after the cargo door is closed and secured.

(3) For airplanes having compartments with more than 200 square feet of cargo/baggage floor area, provide an additional person trained to fight cargo fires to work with the individual required by the previous paragraph B.3.a.(1). (This individual may be a required flight attendant.)"

b. Provide a cargo compartment fire "knock down" extinguishing system that provides an

initial fire extinguishant concentration of at least 5 percent of the empty compartment volume of Halon 1301 or equivalent, and a fire suppression extinguishant concentration of at least 3 percent of the empty compartment volume of Halon 1301 or equivalent, for a period of time not less than 15 minutes.

c. Provide a smoke or fire detection systems that meets the requirements of FAR 25.858 (Amdt. 25-54) and also provides an aural and visual warning to the station assigned to the individual trained to fight cargo fires. The designated station must be located adjacent to the in-flight access door to the cargo compartment.

d. Provide a means from the flight deck to shut off ventilation system inflow to the cargo compartment.

e. Accomplish the requirements of paragraph B.3.e.(1) or B.3.e.(2):

(1) Provide a thermal monitoring system to the flight deck and station designated for the individual trained to fight cargo fire to advise of potentially hazardous conditions within the cargo compartment.

(2) At intervals not to exceed 30 minutes in flight and continuously after a fire has been detected and extinguished, the individual trained to fight cargo fires must conduct a visual inspection throughout the Class B cargo compartment to monitor for evidence of fire.

f. Provide a cargo compartment liner that meets the requirements of FAR 25.855 (Amdt. 25-60). The smoke/fire barrier between the occupants and cargo compartment must extend from the cargo compartment floor to the ceiling liner, or top skin of the airplane, and from the right side liner to the left side liner of the cargo compartment. The liner and barrier seals must also be constructed of materials that meet the flame penetration resistance requirements of FAR 25, appendix F, part III (Amdt. 25-80), except that currently-installed glass fiber reinforced resin material is acceptable. In addition, provide protective covers for cockpit voice and flight data recorders, windows, wiring, and primary flight control systems (unless it can be shown that a fire could not cause jamming or loss of control), and other equipment within the compartment that is required for safe flight and landing; those covers must be constructed of materials that meet the Flame Penetration Resistance requirements of FAR 25, appendix F, part III (Amdt. 25-80).

g. Provide illumination of the cargo compartment as follows:

(1) General area illumination of the cargo with an average illumination of 0.1 foot-candle measured at 40-inch intervals both at one-half the pallet or container height, and at the full pallet or container height.

(2) Illumination of the access pathways required by paragraph A.2.f. of this AD under visibility conditions likely to be encountered after a fire and discharge of the fire extinguishant, and prior to the decay of extinguishant concentration below 3 percent, must provide an average of 0.1 foot-candle measured at each 40-inch interval, with not less than 0.05 foot-candle minimum along a line that is within 2 inches of and parallel to the floor centered on the pathway.

h. Provide a safe means to effectively discharge portable fire extinguishers into

each container or into each pallet that is covered.

i. Establish FAA-approved firefighting procedures for controlling cargo compartment fires.

j. Establish an FAA-approved training program for firefighters required by paragraphs B.3.a.(1) and B.3.a.(3) of this AD.

k. Demonstrate the following features and functions during flight tests:

(1) Fire extinguishant concentration, required by paragraph B.3.b. of this AD.

(2) Smoke or fire detection system, required by paragraph B.3.c. of this AD.

(3) Prevention of smoke penetration into occupied compartments [Refer to FAR 25.857(b)(2) and 25.855(e)(2)].

(4) Compartment temperature indication system, if required by paragraph B.3.e. of this AD.

(5) Cargo accessibility, required by paragraph A.2.f. of this AD.

(6) Firefighting procedures, required by paragraph B.3.i. of this AD.

l. Items specified in paragraphs B.3.k.(5) and B.3.k.(6) of this AD must be evaluated under reduced visibility conditions representative of those likely to occur with cargo fires.

m. Provide a means of two-way communication between the flight deck and the station assigned to the individual trained to fight cargo fires.

C. Compliance with paragraphs B.1. or B.2. of this AD constitutes terminating action for the requirements of paragraph A. of this AD.

D. An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate (for Boeing series airplanes); or the Manager, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate (for McDonnell Douglas series airplanes).

Note. The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO, or the Manager, Los Angeles ACO, as appropriate.

Note. Alternative methods of compliance previously granted for Amendment 39-6557, AD 89-18-12 R1, continue to be acceptable alternative methods of compliance for this amendment.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

This amendment supersedes Amendment 39-6557, AD 89-18-12 R1.

This amendment becomes effective May 1, 1991.

Issued in Renton, Washington, on April 19, 1991.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-10651 Filed 5-1-91; 2:40 pm]

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DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 4

[Docket No. 910228-1028]

Public Information; Freedom of Information Public Facilities and Addresses for Requests for Records; Initial Denial Officials

AGENCY: U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce is revising appendices B and C of its Freedom of Information Act rules. Appendix B gives the names and addresses of the Department's Freedom of Information public facilities. Appendix C lists the officials authorized to make initial denials for Freedom of Information requests. The revised appendices B and C are being publicized now to reflect current locations and/or redelegation of authority through reorganization.

EFFECTIVE DATE: May 6, 1991.

FOR FURTHER INFORMATION CONTACT: Ms. Geraldine P. LeBoo, Departmental Freedom of Information Officer, Office of Federal Assistance and Management Support, U.S. Department of Commerce, 14th Street & Pennsylvania Avenue, NW., Washington, DC 20230, telephone: 202-377-4115.

SUPPLEMENTARY INFORMATION: The Department of Commerce last published its revised Freedom of Information Act rules on March 4, 1988, 53 FR 6972, which also included appendices B and C: The Department's public inspection facilities, addresses, and initial denial officials. The revised appendices B and C are being publicized now to reflect current locations and/or redelegation of authority through reorganization. The revised appendices are the "organization and management" portion of 15 CFR part 4, and as such are exempt from all requirements of section 553 of the Administrative Procedure Act, including notice and comment and delayed effective date. Accordingly, this revision is effective upon publication.

Because a notice of proposed rulemaking is not required by section 553 of the Administrative Procedures Act or any other law, a Regulatory Flexibility Analysis is not necessary for purposes of the Regulatory Flexibility Act. This rule, relating to agency organization and management, is not subject to the requirements of Executive Order 12291. This rule does not contain information collection activity as

defined by the Paperwork Reduction Act.

This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

List of Subjects in 15 CFR Part 4

Public information, Freedom of information.

For the reasons set forth in the preamble, 15 CFR part 4 is amended as follows:

PART 4—PUBLIC INFORMATION

1. The authority citation for part 4 continues to read as follows:

Authority: 5 U.S.C. 301, 5 U.S.C. 552, 5 U.S.C. 553, Reorganization Plan No. 5 of 1950; 31 U.S.C. 3717.

2. Appendices B and C are revised to read as follows:

Appendix B—Freedom of Information Public Facilities and Addresses for Requests for Records

The following public reference facilities have been established within the Department of Commerce for: (a) Public inspection and copying of materials from various units within the Department under 5 U.S.C. 552(a)(2), or determined to be available for response to requests made under 5 U.S.C. (a)(3); (b) furnishing information and otherwise assisting the public concerning Departmental operations under the Freedom of Information Act; and (c) receipt and processing requests for records under 5 U.S.C. 552(a)(3).

Commerce units that have separate mailing addresses are noted below. Requests should be addressed to the unit which the requester knows or has reason to believe has possession, control, or has primary concern with the records sought. Otherwise, requests should be addressed to the Central Reference and Records Inspection Facility.

Department of Commerce Freedom of Information Central Reference and Records Inspection Facility, U.S. Department of Commerce, room 6020, Herbert C. Hoover Building, 14th Street between Constitution Avenue and Pennsylvania, NW., Washington, DC 20230. Phone (202) 377-4115. This facility serves the Office of the Secretary and all other units of the Department not identified below as explained at 15 CFR 4.4(c) and (d). Bureau of the Census, Chief, Program and Policy Development Office, U.S. Department of Commerce, room 2430, Federal Building 3, Washington, DC 20233. Phone (301) 763-2758.

The Bureau of the Census maintains a separate facility for inspection of (a)(2) records. The location is room 2455, Federal Building 3, Suitland, Maryland 20233.

Bureau of Economic Analysis, Public Reference Facility, U.S. Department of Commerce, room 1115, Tower Building, 1401 K Street, NW., Washington, DC.

Mailing address: Freedom of Information Control Desk, Office of Administration, Office of Economic and Statistical Affairs, U.S. Department of Commerce, room 4838, Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Phone 377-3308.

Economic Development Administration, Freedom of Information Records Inspection Facility, U.S. Department of Commerce, room 7001, Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Phone (202) 377-4687. Mailing address of Regional EDA offices:

- Philadelphia Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, Liberty Square Building, First floor, 105 South 7th Street, Philadelphia, Pennsylvania 19106.
- Atlanta Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, suite 1820, 401 West Peachtree Street, NW., Atlanta, Georgia 30308-3510.
- Denver Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, room 670, 1244 Speer Boulevard, Denver, Colorado 80204.
- Chicago Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, 175 West Jackson Boulevard, suite A-1630, Chicago, Illinois 60604.
- Seattle Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, Jackson Federal Building, room 1856, 915 Second Avenue, Seattle, Washington 98174.
- Austin Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, Grant Building, suite 201, 611 East 6th Street, Austin, Texas 78701.

Bureau of Export Administration, Freedom of Information Records Inspection Facility, U.S. Department of Commerce, room 4525, Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Phone (202) 377-5653.

International Trade Administration, Freedom of Information Records Inspection Facility, U.S. Department of Commerce, room 4102, Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Phone (202) 377-3031.

Minority Business Development Agency, Freedom of Information Office, U.S. Department of Commerce, room 5073, Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Phone (202) 377-2881.

The Minority Business Development Agency maintains a separate facility for public inspection of (a)(2) records. The location is room 5078B, Herbert C. Hoover Building, Washington, DC 20230.

National Institute of Standards and Technology, Freedom of Information Records Inspection Facility, room E108, Administration Building, Gaithersburg, Maryland 20884. Phone (301) 975-2389.

Mailing address: National Institute of Standards and Technology, Freedom of

Information Request Control Desk, U.S. Department of Commerce, room A-1105, Gaithersburg, Maryland 20884.

National Oceanic and Atmospheric Administration, Public Reference Facility, room 714 WSC-5, 6010 Executive Boulevard, Rockville, Maryland 20852. Phone (301) 443-8967.

National Technical Information Service, Freedom of Information Records Inspection Facility, room 209, Forbes Building, 5285 Port Royal Road, Springfield, Virginia 22161. Phone (703) 487-4670.

National Telecommunications and Information Administration, Freedom of Information Request Control Desk, U.S. Department of Commerce, room 4717, Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC 20504. Phone (202) 377-1818.

Patent and Trademark Office, Freedom of Information Records Inspection Facility, Public Search Room, room 1A01, Crystal Plaza 3, Arlington, Virginia 22231. Mailing address: Patent and Trademark Office, Freedom of Information Request Control Desk, Box 8, Washington, DC 20231. Phone (703) 557-4035.

United States Travel and Tourism Administration, Freedom of Information Request Control Desk, U.S. Department of Commerce, room 1524, Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Phone (202) 377-3812.

Appendix C—Officials Authorized to Make Initial Denials of Requests for Records

The following officials of the Department have been delegated authority to initially deny requests for records of their respective units for which they are responsible. (The listings are subject to change because of organizational changes or new delegations.)

Accordingly, the Director for Federal Assistance and Management Support is specifically authorized to amend or revise this appendix from time to time in order to reflect changes.

Office of the Secretary

Office of the Deputy Secretary: Associate Deputy Secretary.

Office of Business Liaison: Director.

Office of Consumer Affairs: Director.

Office of Space Commerce: Director.

Office of the Assistant Secretary for

Legislative and Intergovernmental Affairs:

Deputy Assistant Secretary for Legislative

and Intergovernmental Affairs.

Office of the Inspector General: Counsel to

the Inspector General. Deputy Counsel to the

Inspector General.

Office of the General Counsel: Deputy

General Counsel. Assistant General Counsel

for Administration. Director of Intelligence

Liaison.

Assistant Secretary for Administration

Office of the Administrative Law Judge:

Office Manager.

Office of Civil Rights: Director.

Office of Financial Management: Director.
Office of Federal Assistance and Management Support: Director.
Office of Federal Assistance: Director.
Office of Budget Operations: Director.
Office of Management Support: Director.

Departmental Freedom of Information Officer

Office of Budget, Planning and Organization: Director.
Office of Management and Organization: Director.
Office of Budget: Director.
Office of Program Planning and Evaluation: Director.
Office of Personnel: Director.
Office of Personnel Operations: Director.
Office of Information Resources Management: Director.
Office of Procurement and Administrative Services: Director.
Office of Administrative Services Management: Director.
Office of Federal Property Programs: Director.
Office of Publications: Director.
Office of Security: Director.
Office of Procurement: Director.
Office of Major Systems Procurement: Director.
Office of Procurement Operations: Director.
Office of Procurement Management: Director.
Office of Small and Disadvantaged Business Utilization: Director.

Economic and Statistical Affairs

Office of Administration: Director.
Bureau of Economic Analysis: Director.
Bureau of the Census: Chief, Program and Policy Development Office.

Technology Administration

Under Secretary for Technology: Deputy Under Secretary for Technology. Assistant Secretary for Technology Policy. Chief Counsel. Deputy Chief Counsel.
National Institute of Standards and Technology: Director of Administration. Deputy Director of Administration.
National Technical Information Service: Director. Associate Director for Administration.

Economic Development Administration

Chief Counsel.
Deputy Chief Counsel.

Export Administration

Under Secretary.
Deputy Under Secretary.
Assistant Secretary for Export Administration.
Director, Office of Technology and Policy Analysis.
Director, Office of Foreign Availability.
Director, Office of Export Licensing.
Deputy Assistant Secretary for Industrial Resource Administration.
Assistant Secretary for Export Enforcement.
Director, Office of Export Enforcement.
Director, Office of Antiboycott Compliance.
Director, Office of Enforcement Support.

International Trade Administration

International Economic Policy:

Director, Office of Policy Coordination.
Director, Office of Multilateral Affairs.
Director, Office of Africa.
Director, Office of the Near East.
Director, Office of South Asia.
Director, Office of Western Europe.
Director, Office of European Community Affairs.
Director, Office of Eastern Europe and Soviet Affairs.
Director, Office of South America.
Director, Office of Mexico and the Caribbean Basin.
Director, Office of Canada.
Director, Office of the PRC and Hong Kong.
Director, Office of the Pacific Basin.
Deputy Assistant Secretary for Japan.
Trade Development:
Director, Office of Program and Resource Management.
Director, Office of Planning and Coordination.
Director, Office of Computers and Business Equipment.
Director, Office of Microelectronics and Instrumentation.
Director, Office of Telecommunications.
Director, Office of General Industrial Machinery.
Director, Office of Special Industrial Machinery.
Director, Office of International Major Projects.
Director, Office of Trade and Investment Analysis.
Director, Office of Industrial Trade.
Director, Office of Finance and Trade Information.
Director, Office of Services Industries.
Director, Office of Export Trading Company Affairs.
Director, Office of Forest Products and Domestic Construction.
Director, Office of Metals, Minerals and Commodities.
Director, Office of Energy.
Director, Office of Chemicals and Allied Products.
Director, Office of Automotive Industry Affairs.
Director, Office of Consumer Goods.
Director, Office of Textiles and Apparel.
Deputy Assistant Secretary for Trade Adjustment Assistance.
Director, Office of Aerospace Market Development.
Director, Office of Aerospace Policy and Analysis.
Import Administration:
Director, Foreign Trade Zones Staff.
Director, Statutory Import Programs Staff.
Director, Office of Antidumping Compliance.
Director, Office of Countervailing Compliance.
Director, Office of Agreements Compliance.
Director, Office of Antidumping Investigations.
Director, Office of Countervailing Investigations.
Director, Office of Policy.
Director, Office of Accounting.
U.S. and Foreign Commercial Service:
Director, Caribbean Basin Information Center.
Director, Office of Foreign Service Personnel.

Deputy Assistant Secretary for International Operations.
Director, Office of Planning and Management.
Manager of Export Promotion Services.
Director, Office of Commercial Information Management.
Director, Office of Trade Promotion.
Deputy Assistant Secretary for Domestic Operations.
Administration:
Director, Office of Organization and Management Support.
Director, Office of Personnel.
Director, Office of Financial Management.
Director, Office of Information Resources Management.
Deputy Under Secretary for International Trade:
Deputy Assistant Secretary for Planning.
Director, Office of Public Affairs.
Director, Congressional Affairs Staff.

Minority Business Development Agency

Freedom of Information Officer.

National Oceanic and Atmospheric Administration

Under Secretary.
Assistant Secretary.
Director, Office of Public Affairs.
Director, NOAA Corps.
General Counsel.
Assistant Administrator for Ocean Services and Coastal Zone Management.
Assistant Administrator for Fisheries.
Assistant Administrator for Weather Service.
Assistant Administrator for Environmental Satellite, Data, and Information Service.
Assistant Administrator for Oceanic and Atmospheric Research.
Director, Environmental Research Laboratories.
Director, Office of Administration.
Director, Eastern Administrative Support Center.
Director, Central Administrative Support Center.
Director, Western Administrative Support Center.
Director, Mountain Administrative Support Center.

National Telecommunications and Information Administration

Deputy Assistant Secretary.
Chief Counsel.
Legal Advisor.

Patent and Trademark Office

Solicitor, Deputy Solicitor.

United States Travel and Tourism Administration

Under Secretary.
Director, Office of Management and Administration.

Dated: April 28, 1991.

Sonya G. Stewart,

Director for Federal Assistance, and Management Support.

[FR Doc. 91-10598 Filed 5-3-91; 8:45 am]

BILLING CODE 3510-FA-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

Illinois Permanent Regulatory Program; Permits, Performance Standards, and Civil Penalties

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendments.

SUMMARY: OSM is announcing the approval, with certain exceptions, of proposed amendments to the Illinois permanent regulatory program (hereinafter referred to as the Illinois program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendments modify fourteen sections in title 62 of the Illinois Administrative Code (IAC). The amendments address the concerns of other State and Federal agencies, enhance the clarity of the Illinois rules, and meet State codification rules and guidelines.

EFFECTIVE DATE: May 6, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Fulton, Director, Springfield Field Office, Office of Surface Mining and Enforcement, 511 West Capitol

Avenue, suite 202, Springfield, Illinois 62704, telephone: (217) 492-4495.

SUPPLEMENTARY INFORMATION:

- I. Background on the Illinois Program
- II. Submission of Amendments
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

I. Background on the Illinois Program

On June 1, 1982, the Secretary of the Interior conditionally approved the Illinois program. Information pertinent to the general background of the Illinois program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval can be found in the June 1, 1982, *Federal Register* (47 FR 23883). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 913.10, 913.15, 913.16, and 913.17.

II. Submission of Amendments

By letter dated July 17, 1989, Illinois submitted a proposed amendment to its program (Administrative Record No. IL-1075). On April 10, 1990, Illinois submitted additional changes to this proposed amendment (Administrative Record No. IL-1100). This Illinois amendment was approved, with certain exceptions, by the Director on August 29, 1990 (55 FR 35301). On July 26, 1990,

Illinois submitted to OSM the adopted version of the amendment which contained certain changes from the version approved by OSM (Administrative Record No. IL-1104). A majority of these changes were made by the Illinois Department of Mines and Minerals pursuant to comments and direction received from the Illinois Joint Committee on Administrative Rules.

The program amendments modify the following rules of title 62 of the IAC: 1700, 1761, 1772, 1773, 1778, 1779, 1780, 1783, 1784, 1800, 1816, 1817, 1843, and 1846.

OSM announced receipt of the proposed amendments in the November 18, 1990, *Federal Register* (55 FR 47890) and in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendments. The comment period closed on December 17, 1990.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.17, are the Director's findings concerning the proposed amendments to the Illinois program submitted on July 26, 1990.

A. Revisions to Illinois' Regulations that are Substantively Identical to the Corresponding Federal Regulations

State Regulation	Subject	Federal Counterpart
62 IAC 1700.11(d), (e)	Applicability	30 CFR 701.11 (e), (f).
62 IAC 1761.12	Areas Designated by Act of Congress	30 CFR 761.12.
62 IAC 1773.20(b)(2)(B)	Permits and Permit Processing	30 CFR 773.20(b)(2)(ii).
62 IAC 1773.21(b)	Permits and Permit Processing	30 CFR 773.21(b).
62 IAC 1778.13(b)	Permit Applications	30 CFR 778.13(b).
62 IAC 1778.13(c)(5)	Permit Applications	30 CFR 778.13(c)(5).
62 IAC 1778.13(i)	Permit Applications	30 CFR 778.13(i).
62 IAC 1778.13(j)	Permit Applications	30 CFR 778.13(j).
62 IAC 1778.14(e)	Permit Applications	30 CFR 778.14(d).
62 IAC 1779.12	Environmental Resources Information	30 CFR 779.12.
62 IAC 1780.16(a)(1)(B)(i)	Reclamation and Operation Plan	30 CFR 780.16(a)(1).
62 IAC 1780.21(f)(3)(C)	Reclamation and Operation Plan	30 CFR 780.21(f)(3)(iii).
62 IAC 1780.21(f)(3)(D)(v)	Reclamation and Operation Plan	30 CFR 780.21(f)(3)(iv).
62 IAC 1780.31(a)(1)	Reclamation and Operation Plan	30 CFR 780.31(a)(1).
62 IAC 1784.14(e)(3)(C)(v)	Reclamation and Operation Plan	30 CFR 784.14(e)(3)(iii).
62 IAC 1784.17(a)(1)	Reclamation and Operation Plan	30 CFR 784.17(a)(1).
62 IAC 1784.17(b)	Reclamation and Operation Plan	30 CFR 784.17(b).
62 IAC 1784.21(a)(1)(B)(i)	Reclamation and Operation Plan	30 CFR 784.21(a)(1).
62 IAC 1800.21(d)	Bonding and Insurance	30 CFR 800.21(e)(1).
62 IAC 1800.40(b)(1)	Bonding and Insurance	30 CFR 800.40(b)(1).
62 IAC 1800.40(b)(2)	Bonding and Insurance	30 CFR 800.40(b)(2).
62 IAC 1816.49(a)(10)	Performance Standards	30 CFR 816.49.
62 IAC 1816.67	Performance Standards	30 CFR 816.67(b).
62 IAC 1817.49(a)(10)	Performance Standards	30 CFR 817.49.
62 IAC 1817.67	Performance Standards	30 CFR 817.67(b).
62 IAC 1817.66(d)	Performance Standards	30 CFR 817.66.
62 IAC 1843.11	State Enforcement	30 CFR 843.11.
62 IAC 1846.5	Civil Penalties	30 CFR 846.5

Because the above proposed revisions are identical in meaning to the corresponding Federal regulations, the Director finds that Illinois' proposed rules are no less effective than the Federal rules.

B. Revisions to Illinois' Regulations That are not Substantively Identical to the Corresponding Federal Regulations

1. 62 IAC 1761.11(a)—Areas Designated by Act of Congress

Illinois is proposing to revise this regulation to prohibit mining within wild and scenic study river corridors as established in any "future" guidelines pursuant to the Wild and Scenic Rivers Act. The corresponding Federal regulation at 30 CFR 761.11(a) does not limit the mining prohibition to those corridors established in future guidelines but applies it to any guidelines pursuant to the Act. The Director finds the proposed State regulation less effective than the Federal regulation at 30 CFR 761.11(a) and the word "future" is not approved to the extent that it limits the mining prohibition to those corridors established in future guidelines pursuant to the Wild and Scenic Rivers Act and does not take into consideration guidelines that already exist. The required amendment at 30 CFR 913.16(c) will remain in effect until Illinois further amends this regulation to include provisions concerning protection of wild or scenic study river corridors that are no less effective than the Federal rules at 30 CFR 761.11(a).

2. 62 IAC 1772.12(b)(8)(D)—Requirements for Coal Exploration

Illinois is proposing to add a provision to give the State authority, in consultation with the Illinois State Historic Preservation Agency, to require that an application for an exploration permit contain additional information regarding known or unknown historic or archeological resources. The corresponding Federal regulation at 30 CFR 772.12(b)(8)(iv) does not require that the regulatory authority consult with other state agencies prior to requiring additional information. The Director finds that the additional language in the proposed State regulation does not render the State regulation inconsistent with the Federal regulation.

3. 62 IAC 1773.15(b)(1), (b)(1)(B)—Review of Permit Applications

At 62 IAC 1773.15(b)(1), Illinois is proposing to add a reference to 62 IAC 1843 which suggests that the State may intend to limit the review of violations

provision to cessation orders issued by the State. The corresponding Federal regulation at 30 CFR 773.15(b)(1) requires that the review of violations be based on available information concerning all unabated enforcement actions and delinquent civil penalties under any State or Federal program under SMCRA. The Director finds the proposed State regulation less effective than the Federal regulation at 30 CFR 773.15(b)(1) and he is not approving the proposed phrases "as defined in 62 Ill. Adm. Code 1843.11(b)" and "as defined in 62 Ill. Adm. Code 1843.11(a)" to the extent that these references could limit this provision to cessation orders issued by Illinois. The Director is also requiring that Illinois amend 62 IAC 1773.15(b)(1) to clarify that this rule applies to all unabated enforcement actions and delinquent civil penalties incurred under any State or Federal program under SMCRA.

4. 62 IAC 1773.20(c)(2)—Permits and Permit Processing

Illinois is proposing to allow the State, as a remedial measure for an improvidently issued permit, to require that in the specified period of time, the permittee or other responsible person abate the violation or pay the penalty or fee. The corresponding Federal regulation at 30 CFR 773.20(c)(2) requires that the violation be abated or the fee paid in a "reasonable" period of time. The determination of what is reasonable is within the State's discretion. Therefore, as Illinois has indicated that it will specify a reasonable period of time in the permit condition, the Director finds the proposed State regulation is no less effective than the Federal regulation.

5. 62 IAC 1778.14(c)—Violation Information

Illinois is proposing to add the language, "Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq." to modify "Federal Act." The corresponding Federal regulation at 30 CFR 778.14(c) refers to "the Act." As clarified by one of its preambles (44 FR 15022, March 13, 1979), the compliance information requirements of this Federal rule apply to any violation of SMCRA, including all State or Federal programs approved under its provisions. Since it is not clear that Illinois' reference to SMCRA includes all State and Federal programs approved thereunder, the Director finds the proposed State regulation less effective than the Federal regulation. He is requiring that Illinois amend section 1778.14(c) to clarify how it intends to interpret this regulation.

6. 62 IAC 1779.12(b)—Environmental Resources Information

Illinois is proposing to add the sentence, "Indications of cultural, archeological, and historical resources shall be based upon such factors including, but not limited to, topographic and physiographic characteristics and other cultural, archeological, and historical resource data for the proposed permit or adjacent areas." Illinois is also proposing to require that a permit applicant conduct field investigations "if such field investigation will provide the information required by subsection (a). A field investigation is a pedestrian archeological survey supplemented by shovel testing, where appropriate." The corresponding Federal regulation at 30 CFR 779.12(b)(2) does not include this language. However, the proposed language merely clarifies, without limiting, the criteria used in determining the existence of otherwise unknown cultural, archeological and historical resources. Therefore, the Director finds that the additional specificity provided in the proposed Illinois regulation does not render it inconsistent with the Federal regulation.

7. 62 IAC 1780.31(b)—Reclamation and Operation Plan

Illinois is proposing to require that a permit applicant take into account mining plans and the amount of materials present when the applicant is required to take appropriate mitigation and treatment measures to protect certain properties. The State has the discretion to determine whether or not mitigation and treatment resources are needed. Since the Federal rule at 30 CFR 780.31(b) is silent as to what factors the State may use in making that determination, Illinois is free to consider factors such as mining plans and the amount of materials present. Illinois is also proposing to delete the word "reasonable" modifying "period of time." the word "taking" is changed to "that takes" preceding "into account." The corresponding Federal rule at 30 CFR 780.31(b) does not include the language noted above. The Director finds that the additional specificity provided in the proposed Illinois regulation does not render it inconsistent with the Federal regulation.

8. 62 IAC 1783.12—Environmental Resources Information

Illinois is proposing the following revisions: (a) Changing the word "features" to "sites" in subsection (a); (b) changing the word "provided" to "available" modifying "information" in subsection (b); (c) adding the word

"shadow" to describe those areas likely to contain unknown resources in subsection (b); (d) adding the sentence, "Indications of cultural, archeological, and historical resources shall be based upon such factors including, but not limited to, topographic and physiographic characteristics, and other cultural, archeological, and historical resource data for the proposed permit, shadow, and adjacent areas" in subsection (b); (e) adding the requirement that Illinois, when determining the necessity for field investigations, consult with "the Illinois State Historic Preservation Agency, if such field investigations will provide the information required by subsection (a)," in subsection (b); and, (f) adding the sentence, "A field investigation is a pedestrian archeological survey supplemented by shovel testing, where appropriate" in subsection (b). Certain paragraph notations and cross-references were also changed to maintain organizational consistency. The corresponding Federal rule at 30 CFR 783.12 does not include the language noted above. However, the proposed language merely clarifies, without limiting, the criteria used in determining the existence of otherwise unknown cultural, archeological and historical resources. Therefore, the Director finds that the additional specificity and wording selections provided in the proposed Illinois regulation, including the addition of the "shadow area" as an area to be considered for the likely existence of cultural, archeological or historic resources, do not render it inconsistent with the Federal regulation.

9. 62 IAC 1784.21(a)(2)(C)—Fish and Wildlife Plan

Illinois is proposing to require site-specific resource information when the permit or adjacent area is likely to include species or habitats identified as requiring special protection under the "Endangered Species Act of 1973, as amended (16 U.S.C. 1532 *et seq.*) or the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 331 *et seq.*)." The corresponding Federal regulation at 30 CFR 784.21(a)(2)(iii) does not restrict the special protection to species or habitats included in just the Endangered Species Act of 1973, but instead requires the same site-specific resource information for a larger universe of protected species and habitats, namely those requiring special protection, by specifying "under State or Federal law." Therefore, the Director finds, the proposed State regulation less effective than the Federal regulation at 30 CFR 784.21(a)(2)(iii) and he is not

approving the proposed references to the above Acts to the extent that they restrict this provision to just the two Acts. The Director is also requiring Illinois to submit an amendment to 62 IAC 1784.21(a)(2)(C) which requires site specific resource information when the permit or adjacent area is likely to include species requiring special protection under any State or Federal law.

10. 62 IAC 1800.40(a)(2)—Bonding and Insurance

Illinois is proposing to require that an operator submit a copy of the advertisement for bond release to the State within 30 days after the application has been filed. The operator is also required to submit a certification of publication for such advertisement prior to the State's final administrative decision releasing bond. While the corresponding Federal regulation at 30 CFR 800.40(a)(2) requires that an operator submit a copy of the advertisement for bond release to the regulatory authority within 30 days, it does not require that the operator submit a certification of publication. The Director finds that the inclusion of this additional requirement by the State does not render the Illinois proposed regulation inconsistent with the Federal regulation.

11. 62 IAC 1800.40(e)—Bonding and Insurance

Illinois is proposing to delete the requirement at 62 IAC 1800.40(e) that Illinois notify the municipality in which a surface coal mining operation is located by certified mail at least 30 days prior to the release of all or part of a performance bond. The corresponding Federal regulation at 30 CFR 800.40(e) requires the notification described above. However, section 6.08(g) of the Illinois Surface Coal Mining Land Conservation and Reclamation Act retains language substantively identical to the Federal regulation at 30 CFR 800.40(e). Illinois stated in its submission of April 9, 1990 (Administrative Record No. IL-1100) that it proposed to delete the notification requirement at 62 IAC 1800.40(e) to eliminate redundant language and that it is relying on the statute. Therefore, the Director finds that the proposed deletion does not render the Illinois program less effective than the Federal regulations. This finding corrects and replaces the previous finding contained in the August 29, 1990, Federal Register notice (55 FR 35307), which addressed the deleted language at 61 IAC 1800.40(e).

12. 62 IAC 1816.49(a)(1)/1817.49(a)(1)—Impoundments

At 62 IAC 1816.49(a)(1) and 1817.49(a)(1), Illinois is proposing to add a specific edition date of "1989" to its reference of 30 CFR 77.216 in the sentence, "Impoundments meeting the size and other qualifying criteria of 30 CFR 77.216(a) shall comply with the requirements of 30 CFR 77.216 (1989) and this Section" and added a new sentence, "30 CFR 77.216 does not include any later editions or amendments." OSM does not restrict the reference to 30 CFR 77.216(a) to a specific edition in the corresponding Federal regulations at 30 CFR 816.49(a)(1) and 30 CFR 817.49(a)(1). Therefore, the Director finds the proposed State regulation less effective than the Federal regulations at 30 CFR 816.49(a)(1) and 30 CFR 817.49(a)(1) respectively and is not approving 62 IAC 1816.49(a)(1) and 1817.49(a)(1) to the extent that Illinois' regulation language does not ensure that the latest edition of 30 CFR 77.216 as of the date of the promulgation of the revised rules at 62 IAC 1816.49(a)(1) and 1817.49(a)(1) would be referenced. The Director is also requiring that Illinois amend 62 IAC 1816.49(a)(1) and 62 IAC 1817.49(a)(1) to ensure that the State regulations include reference to the latest edition to 30 CFR 77.216 as of the date of the promulgation of its regulations.

13. 62 IAC 1816.97(b)/1817.97(b)—Performance Standards

At 62 IAC 1816.97(b) and 1817.97(b), Illinois is proposing to add the provision that no surface mining will be allowed which is likely to result in the destruction or adverse modification of designated critical habitats of species in violation of the "Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1987, ch. 8, par. 331 *et seq.*)." The corresponding Federal regulation does not include this citation. The Director finds, however, that the additional language in the proposed State regulation does not render the State regulation inconsistent with the Federal regulations at 30 CFR 816.97(b) and 817.97(b).

14. 62 IAC 1846.14(a)(3)—Civil Penalties

Illinois is proposing to change the word "demonstrated" to "determined" modifying "good faith of the individual, which good faith is used as a factor in determining the amount of an individual civil penalty. The corresponding Federal regulation at 30 CFR 846.14(a)(3) refers to the "demonstrated" good faith of the individual. Since the State must render a determination of good faith based upon

a showing, or demonstration by the operator, the Director finds that the revision does not lessen the strength of the regulation. Therefore, he finds the proposed State regulation no less effective than the Federal regulation.

IV. Summary and Disposition of Comments

Public Comments

The public comment period and opportunity to request a public hearing announced in the November 18, 1990, **Federal Register** ended on December 17, 1990. The scheduled public hearing was not held as no one requested an opportunity to provide testimony.

The Illinois Historic Preservation Agency supported the amendment.

Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(11)(i), comments were solicited from various Federal agencies with an actual or potential interest in the Illinois program. The U.S. Fish and Wildlife Service (FWS) concurred with the majority of the proposed changes affecting fish and wildlife resources and habitats. The FWS did, however, express concern about the wording in several subsections that pertain to threatened and endangered species. The Director finds that the specific State regulations identified by the FWS are not being amended and are, therefore, outside the scope of this rulemaking. However, the FWS comments have been forwarded to the State of Illinois for consideration in future rulemakings.

Director's Decision

Based on the above findings, the Director is approving the amendments to the Illinois regulatory program submitted on July 26, 1990, with the exception of the provisions found not to be in accordance with the SMCRA or not consistent with the Federal regulations. Those provisions not approved and requiring further amendment are addressed in Findings B-1, B-3, B-5, B-9, and B-12.

The Federal rules at 30 CFR part 913 concerning the Illinois program are being amended to implement the Director's decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage states to conform their programs to the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

The Director is also taking this opportunity to make corrections to 30 CFR 913.10 and to 30 CFR 913.15

published on August 29, 1990. At 30 CFR 913.10, the addresses for the Illinois Department of Mines and Minerals and the Office of Surface Mining are being changed to reflect recent location changes. At 30 CFR 913.15(k), as originally published, the paragraph neglected to state that the amendments submitted to OSM on July 17, 1989 were revised on April 9, 1990. At 30 CFR 913.15(k)(1), the reference to the disapproval of the deletion of "wind velocity and direction" from the list of factors required in the blast records at 1816.68(a) and 1817.68(a) was not made. Also, 30 CFR 913.15(k)(1) is changed to place rule 1816.61 on a separate line.

Effect of Director's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary.

Similarly, 30 CFR 732.17(a) requires that any alteration of an approved State program be submitted to OSM for review as a program amendment. Thus, any changes to a State program are not enforceable until approved by OSM. The Federal regulations at 30 CFR 732.17(g) prohibit any unilateral changes to approved programs. In his oversight of the Illinois program, the Director will recognize only the statutes, regulations, and other materials approved by him, together with any consistent implementing policies, directives and other materials, and will require the enforcement by Illinois of only such provisions.

EPA Concurrence

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the Environmental Protection Agency (EPA) with respect to any provisions of a State program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this amendment contains no provisions in these categories and that EPA's concurrence is not required.

VI. Procedural Determinations

National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA (30 U.S.C. 1292(d)), no environmental impact statement need be prepared on this rulemaking.

Executive Order 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a regulatory impact analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 913

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 18, 1991.

Carl C. Close,

Assistant Director, Eastern Support Center.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 913—ILLINOIS

1. The authority citation for part 913 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 913.10 is amended by revising the list of addresses to read as follows:

§ 913.10 State regulatory program approval.

Illinois Department of Mines and Minerals,
Division of Land Reclamation, 300 West
Jefferson, Suite 300, Springfield, Illinois
62791-0197.

Illinois Department of Mines and Minerals,
Division of Land Reclamation, Southern
District Field Office, #2 Coal Development
Park, Carverville, Illinois 62918.

Office of Surface Mining Reclamation and
Enforcement, 511 West Capitol, Suite 202,
Springfield, Illinois 62704.

3. In § 913.15, paragraph (k) is amended by revising amendments 1816.68 and 1817.68 and a new

paragraph (1) is added to read as follows:

§ 913.15 Approval of regulatory program amendments.

(k) The following amendments, as submitted to OSM on July 17, 1989, and revised on April 9, 1990, are approved effective August 29, 1990, with the exceptions identified herein. The amendments consist of the following modifications to the Illinois program:

- 1816.49 Permanent Program Performance Standards for Surface Mining Activities; Impoundments (except for the deferral of the exemption for impoundments of five feet or less in height and twenty acre-feet or less in volume contained in 1816.49(a)(10)(B))
- 1816.61 Use of Explosives; General Requirements
- 1816.68 Use of Explosives; Records of Blasting Operations (except the deletion of wind velocity and direction at 62 IAC 1816.68(a)(18) which was disapproved).
- 1817.68 Use of Explosives; Records of Blasting Operations (except the deletion of wind velocity and direction at 62 IAC 1817.68(a)(18) which was disapproved).
- (1) The following amendments submitted to OSM on July 26, 1990, are approved effective May 6, 1991, with the exceptions identified herein. The amendments consist of the following modifications to the Illinois program: Revision of the following regulations of chapter I of title 62 of the Illinois Administrative Code:
 - 1700.11(d), (e) General; Applicability
 - 1761.11(a) Areas Designated by Act of Congress; Areas Where Mining is Prohibited or Limited (except the word "future" is not approved to the extent that it limits the mining prohibition to those corridors established in future guidelines pursuant to the Wild and Scenic Rivers Act)
 - 1761.12 Areas Designated by Act of Congress; Procedures
 - 1772.12(b)(8)(D) Requirements for Coal Exploration; Permit Requirements for Exploration Removing More Than 250 Tons of Coal
 - 1773.15(b)(1) Requirements for Permits and Permit Processing; Review of Permit Applications (except the phrases "as defined in 62 Ill. Adm. Code 1843.11(b)" and "as defined in 62 Ill. Adm. Code 1843.11(a)" are not approved to the extent that these references could limit this provision to

- cessation orders issued by Illinois)
- 1773.20(b)(2)(B) Requirements for Permits and Permit Processing; Improvidently Issued Permits: General Procedures
- 1773.20(c)(2) Requirements for Permits and Permit Processing; Improvidently Issued Permits: General Procedures
- 1773.21(b) Requirements for Permits and Permit Processing; Improvidently Issued Permits: Rescission Procedures
- 1778.13(b) Permit Applications; Identification of Interests
- 1778.13(c)(5) Permit Applications; Identification of Interests
- 1778.13(i) Permit Applications; Identification of Interests
- 1778.13(j) Permit Applications; Identification of Interests
- 1778.14(c) Permit Applications; Violation Information (except to the extent that "the Federal Act" does not include all Federal and State programs under SMCRA)
- 1778.14(e) Permit Applications; Violation Information
- 1779.12 Surface Mining Permit Application; General Environmental Resources Information
- 1779.12(b) Surface Mining Permit Application; General Environmental Resources Information
- 1780.16(a)(1)(B)(i) Surface Mining Permit Application; Fish and Wildlife Plan
- 1780.21(f)(3)(C) Surface Mining Permit Application; Hydrologic Information
- 1780.21(f)(3)(D)(v) Surface Mining Permit Application; Hydrologic Information
- 1780.31(a)(1) Surface Mining Permit Application; Protection of Public Parks and Historic Places
- 1780.31(b) Surface Mining Permit Application; Protection of Public Parks and Historic Places
- 1783.12(b) Underground Mining Permit Applications; General Environmental Resources Information
- 1784.14(e)(3)(C)(v) Underground Mining Permit Applications; Hydrologic Information
- 1784.17(a)(1) Underground Mining Permit Applications; Protection of Public Parks and Historic Places
- 1784.17(b) Underground Mining Permit Applications; Protection of Public Parks and Historic Places
- 1784.21(a)(1)(B)(i) Underground Mining Permit Applications; Fish and Wildlife Plan
- 1784.21(a)(2)(C) Underground Mining Permit Applications; Fish and Wildlife Plan (except the references to the Endangered Species Act of 1973 and the Illinois Endangered Species Protection Act are not approved to the extent that they restrict this provision to the two Acts rather than any State or Federal Law)
- 1800.21(d) Bonding and Insurance Requirements; Collateral Bonds
- 1800.40(a)(2) Bonding and Insurance Requirements; Requirement to Release

- Performance Bonds
- 1800.40(b)(1) Bonding and Insurance Requirements; Requirement to Release Performance Bonds
- 1800.40(b)(2) Bonding and Insurance Requirements; Requirement to Release Performance Bonds
- 1800.40(e) Bonding and Insurance Requirements; Requirement to Release Performance Bonds (notification requirement deleted, paragraphs relettered)
- 1816.49(a)(1) Permanent Program Performance Standards—Surface Mining Activities; Impoundments (except the sentence "30 CFR 77.216 does not include any later editions or amendments" is not approved to the extent that as phrased it limits the provision to an edition of 30 CFR 77.216 that could be outdated at the time of Illinois' promulgation of the regulation).
- 1816.49(a)(10) Permanent Program Performance Standards—Surface Mining Activities; Impoundments
- 1816.67 Permanent Program Performance Standards—Surface Mining Activities; Use of Explosives; Control of Adverse Effects
- 1816.97(b) Permanent Program Performance Standards—Surface Mining Activities; Protection of Fish, Wildlife, and Related Environmental Values
- 1817.49(a)(1) Permanent Program Performance Standards—Underground Mining Operations; Impoundments (except the sentence "30 CFR 77.216 does not include any later editions or amendments" is not approved to the extent that as phrased it limits the provision to an edition of 30 CFR 77.216 that could be outdated at the time of Illinois' promulgation of the regulation).
- 1817.49(a)(10) Permanent Program Performance Standards—Underground Mining Operations; Impoundments
- 1817.66(d) Permanent Program Performance Standards—Underground Mining Operations; Use of Explosives; Blasting Signs, Warnings, and Access Control
- 1817.67 Permanent Program Performance Standards—Underground Mining Operations; Use of Explosives; Control of Adverse Effects
- 1817.97(b) Permanent Program Performance Standards—Underground Mining Operations; Protection of Fish, Wildlife, and Related Environmental Values
- 1843.11 State Enforcement; Cessation Orders
- 1846.5 Individual Civil Penalties; Definitions
- 1846.14(a)(3) Individual Civil Penalties; Amount of Individual Civil Penalty

3. In § 913.16, paragraphs (g), (h), (i), (j) and (k) are added to read as follows:

§ 913.16 Required program amendments.

(g) By August 5, 1991, Illinois shall submit a revision to 62 IAC 1773.15(b)(1) to clarify that this rule applies to all unabated enforcement actions and delinquent civil penalties incurred under any State or Federal program under SMCRA.

(h) By August 5, 1991, Illinois shall submit a revision to 62 IAC 1778.14(c) to clarify that Illinois' reference to SMCRA includes all State and Federal programs approved thereunder.

(i) By August 5, 1991, Illinois shall submit a revision to 62 IAC 1784.21(a)(2)(C) which requires site-specific resource information when the permit or adjacent area is likely to include species requiring special protection under any State or Federal law.

(j) By August 5, 1991, Illinois shall submit a revision to 62 IAC 1816.49(a)(1) to ensure that the State regulation includes reference to the latest edition of 30 CFR 77.216 as of the date of the promulgation of its regulation.

(k) By August 5, 1991, Illinois shall submit a revision to 62 IAC 1817.49(a)(1) to ensure that the State regulation includes reference to the latest edition of 30 CFR 77.216 as of the date of the promulgation of its regulation.

[FR Doc. 91-10254 Filed 5-3-91; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 550

Libyan Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Final rule; list of specially designated nationals of Libya.

SUMMARY: The Libyan Sanctions Regulations are being amended to add a new appendix A, Organizations Determined To Be Within the Term "Government of Libya" (Specially Designated Nationals of Libya), to the end thereof. Part I of appendix A contains the names of companies, banks, and other entities located outside of Libya which the Director of the Office of Foreign Assets Control has determined to be owned or controlled by, or acting or purporting to act directly or indirectly for, the Government of Libya. Part II of appendix A (to be

published at a later date) will contain the names of organizations located within Libya which the Director of the Office of Foreign Assets Control has determined to be Specially Designated Nationals of Libya. This list may be expanded or amended at any time.

EFFECTIVE DATE: May 6, 1991.

ADDRESSES: Copies of this list are available upon request at the following location: Office of Foreign Assets Control, U.S. Department of the Treasury, Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Richard J. Hollas, Chief, Enforcement Section, Office of Foreign Assets Control, Tel.: (202) 566-5021.

SUPPLEMENTARY INFORMATION: The Libyan Sanctions Regulations, 31 CFR part 550 (the "Regulations"), were issued by the Treasury Department to implement Executive Order No. 12543 (51 FR 875, Jan. 9, 1986) and 12544 (51 FR 1235, Jan. 10, 1986), in which the President declared a national emergency with respect to Libya, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), and ordering specific measures against the Government of Libya. The Regulations were amended by a final rule published in the *Federal Register* (53 FR 5571, Feb. 25, 1988), which clarified the term "Government of Libya."

Section 550.304 of the Regulations, as amended, defines the term "Government of Libya" as follows:

(a) The "Government of Libya" includes:

(1) The state and the Government of Libya, as well as any political subdivision, agency, or instrumentality thereof, including the Central Bank of Libya;

(2) Any partnership, association, corporation, or other organization substantially owned or controlled by the foregoing;

(3) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since the effective date, acting or purporting to act directly or indirectly on behalf of any of the foregoing;

(4) Any other person or organization determined by the Secretary of the Treasury to be included within paragraph (a) of this section.

(b) A person specified in paragraph (a)(2) of this section shall not be deemed to fall within the definition of Government of Libya solely by reason of being located in, organized under the laws of, or having its principal place of business in Libya.

Section 550.805 of the Regulation states that: Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Order 12543 may be taken by the Director of the Office of Foreign Assets Control, or by any other person to whom the Secretary of the Treasury has delegated authority to so act.

Determinations that persons fall within the definition of the "Government of Libya" are effective upon the date of determination by the Director, Office of Foreign Assets Control ("FAC"). Public notice is effective upon the date of publication or upon actual notice, whichever is sooner.

This rule adds appendix A to part 550 to provide public notice of a list of persons, known as "specially designated nationals" of the Government of Libya. Part I of appendix A consists of organizations located outside of Libya which the Director of the Office of Foreign Assets Control has determined are owned or controlled by or are acting or purporting to act directly or indirectly on behalf of the Government of Libya, and which thus fall within the definition of the "Government of Libya" contained in § 550.304(a) of the Regulations. The persons included in appendix A are subject to all prohibitions applicable to other components of the Government of Libya. All unlicensed transactions with such persons, or in property in which they have an interest, are prohibited.

The list of specially designated nationals is a partial one, since FAC may not be aware of all the agencies and officers of the Government of Libya or of all the persons located outside of Libya that might be owned or controlled by the Government of Libya or acting as agents or front organizations for Libya, and which thus qualify as specially designated nationals of the Government of Libya. Therefore, persons engaging in transactions may not rely on the fact that any particular person is not on the specially designated nationals list as evidence that it is not owned or controlled by, or acting or purporting to act directly or indirectly for, the Government of Libya. The Treasury Department regards it as incumbent upon all U.S. persons to take reasonable steps to ascertain for themselves whether persons they enter into transactions with are owned or controlled by the Government of Libya or are acting or purporting to act on its behalf, or on behalf of other countries subject to blocking or transportation-related restrictions (at present, Cambodia, Cuba, Iraq, North Korea, and Vietnam).

Section 206 of the International Emergency Economic Powers Act, 50 U.S.C. 1705, as amended by the Uniform Sentencing Act, 18 U.S.C. 3571 and 3581, provides for civil penalties not to exceed \$10,000 per count for violations of the Regulations, fines of up to \$250,000 and imprisonment for up to 12 years for willful violations of the Regulations by individuals, and fines of up to \$500,000 for organizations.

Because the Regulations involve a foreign affairs function, Executive Order 12291 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

List of subjects in 31 CFR Part 550

Banks, Banking, Foreign trade, Libya, Securities.

For the reasons set forth in the preamble, 31 CFR part 550 is amended as set forth below:

PART 550—LIBYAN SANCTIONS REGULATIONS

1. The authority citation for part 550 is revised to read as follows:

Authority: 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 2349aa-8 & -9; 49 U.S.C. 1514; E.O. 12543, 51 FR 875 (Jan. 9, 1986); E.O. 12544, 51 FR 1235 (Jan. 10, 1986).

2. Appendix A to part 550 is added to read as follows:

Appendix A—Organizations Determined to be Within the Term "Government of Libya" (Specially Designated Nationals of Libya)

Part I: Located Outside Libya

1. Al Hambra Holding Company, Madrid, Spain.
2. Arab Libyan Syrian Industrial & Agricultural Investment Co., Damascus, Syria.
3. Arab Real Estate Co. ("Aresco"), Beirut, Lebanon.
4. Arabian Gulf Oil Co. ("Agoco"), Windsor House, 42-50 Victoria Street, London SW1H 0NW, United Kingdom.
5. Asteris S.A. Industrial & Commercial Corporation, Athens, Greece.
6. Banque Arabe Libyenne Burkinabe Pour le Commerce Extérieur et le Développement 1336 Avenue Nelson Mandela, Ouagadougou, Burkina Faso.
7. Banque Arabe Libyenne Malienne Pour le Commerce Extérieur et le Développement ("Balima"), P.O. Box 2372, Bamako, Mali.
8. Banque Arabe Libyenne Mauritanienne Pour le Commerce Extérieur et le

Développement ("Balm"), Jamal Abdunasser Street, P.O. Box 282, Nouakchott, Mauritania.

9. Banque Arabe Libyenne Nigérienne Pour le Commerce Extérieur et le Développement, P.O. Box 11363, Niamey, Niger.

10. Banque Arabe Libyenne Togolaise du Commerce Extérieur ("Baltex"), P.O. Box 4874, Lomé, Togo.

11. Banque Arabe Tuniso-Libyenne de Développement et de Commerce Extérieur ("B.T.L."), 25 Avenue Kheireddine Pacha, P.O. Box 102, 1002 Le Belvedere, Tunis, Tunisia.

12. Banque Intercontinentale Arabe, 87, Avenue Franklin Roosevelt, 75008 Paris, France.

13. Banque Tchado Arabe Libyenne, P.O. Box 104, N'Djamena, Chad.

14. Compagnie Algero-Libyenne de Transport Maritime ("Caltram"), 21 Rue des Frères Bouadou, Birmandreïs, Algiers, Algeria.

15. General Est. for Publication Distribution & Advertising, P.O. Box 113, Beirut, Lebanon.

16. International Holding Co., Luxembourg.

17. The Joint Turkish Libyan Agricultural Livestock Co., Ankara, Turkey.

18. Kaebé & Gmeinder Co., Panknang, Germany.

19. Liberian Libyan Holding Co., Monrovia, Liberia.

20. Libyan Arab Airlines, (numerous branch offices and facilities abroad).

21. Libyan Arab Foreign Investment Co. ("Lafico"), Athens, Greece. Rome, Italy.

22. The Libyan Arab Maltese Holding Co. Ltd. ("Lamhco"), St. Mark House, Cappuchan Street, Floriana, Malta.

23. The Libyan Arab Uganda Bank for Foreign Trade and Development, P.O. Box 9485, Kampala, Uganda.

24. The Libyan Arab Uganda Holding Co. Ltd. (also known as Uganda Libyan Holding Co. Ltd.), Kampala, Uganda.

25. The Libyan-Greek Investment Co., Athens, Greece.

26. Medisan Limited, R1 6A, Qasam Industrial, Limiti tai Ricasch, Kalkara, Malta.

27. Mediterranean Aviation Co., Ltd., Malta.

28. Mediterranean Sea Oil Services GmbH ("Medoil"), Dusseldorf, Germany.

29. Menil Enstalt Co., Vaduz, Liechtenstein.

30. Metrovia, Switzerland.

31. National Petrochemicals Co. (Libyan), Germany.

32. North Africa Commercial Bank S.A.L. (formerly known as Arab Libyan Tunisian Bank S.A.L.), P.O. Box 9575/11, 1st Floor, Piccadilly Centre, Hamra Street, Beirut, Lebanon.

33. Pak-Libyan Holding Co. Ltd., Karachi, Pakistan.

34. Societe Agricole Togolaise Arabe Libyenne, Lomé, Togo.

35. Societe Arabe Libyenne-Centrafricaine D'Import-Export, Bangui, Central African Republic.

36. Societe Arabe Libyenne Malienne Pour L'Agriculture et L'Elevage ("Solima"), Bamako, Mali.

37. Societe Arabe Libyenne Mauritanienne des Ressources Maritimes ("Salimaurem"), Nouadhibou, Mauritania.

38. Societe Arabe Liby-Guineenne Pour le Développement Agricole et Agro-Industriel ("Salguidia"), Conakry, Guinea.

39. Societe Arabe Liby-Nigere Pour le Développement et la Commercialisation des Produits Agricoles, Niamey, Niger.

40. Societe Arabe Liby-Tunisienne de Transport Maritime, Tunis, Tunisia.

41. Societe D'Economie Mixte Centre Africaine Libyenne des Produits Agricoles, Bangui, Central African Republic.

42. Societe Libyenne Centre Africaine des Mines, Bangui, Central African Republic.

43. Societe Mixte Rwando-Arabe Libyenne de Promotion Hoteliere et Touristique au Rwanda, Kigali, Rwanda.

44. Societe Mixte Rwando Arabe Libyenne Pour le Développement et la Commercialisation des Produits Agricoles et D'Elevage, Kigali, Rwanda.

45. Societe Togolaise Arabe Libyenne de Pêche, Lomé, Togo.

46. Tamol Italiana SpA, Piazzetta Bossi 3, I-20121 Milan, Italy. Cremona Refinery, Italy.

47. Turkish-Libyan Joint Maritime Transport Stock Co., ("Turlib"), Kemeralti Caddesi 99, 80020 Karakoy, Istanbul, Turkey.

48. Umm Al-Jawaby Oil Service Co., Ltd., 33 Cavendish Square, London W1M 9HF, United Kingdom.

Dated: April 25, 1991.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: April 26, 1991.

Peter K. Nunez,

Assistant Secretary, (Enforcement).

[FR Doc. 91-10547 Filed 4-30-91; 3:44 pm]

BILLING CODE 4810-25-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 6

[FRL-3849-1]

RIN 2020-AA16

The Environmental Protection Agency's National Environmental Policy Act Review Procedures for Public and Other Federal Agency Involvement and for its Office of Research and Development

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is amending its National Environmental Policy Act (NEPA) regulation in 40 CFR part 6 subpart G which addresses the environmental review procedures for projects conducted by its Office of Research and Development (ORD). The changes to subpart G include: Development of procedures to categorically exclude from a full NEPA review those ORD projects normally having no significant impact

on the environment; listing of ORD projects which normally result in the preparation of environmental assessments (EAs); revision of criteria requiring preparation of environmental impact statements (EISs) on ORD projects; provision to coordinate, where feasible, ORD's NEPA reviews with other EPA program reviews; and general clarification of the NEPA review process for ORD actions.

EPA is also amending subpart D of EPA's NEPA regulations entitled Public and Other Federal Agency Involvement, specifically § 6.400(f), Categorical exclusions. This final rulemaking eliminates the current requirement for public notice of EPA's categorical exclusion determinations for all of EPA's programs except the Wastewater Treatment Construction Grants Program, where it has been beneficial for some activities. Interested persons can still obtain information regarding categorical exclusion determinations by contacting EPA's Office of Research Program Management for ORD actions or Office of Federal Activities for other program actions.

EFFECTIVE DATE: June 5, 1991.

FOR FURTHER INFORMATION CONTACT: Joseph Montgomery, Office of Federal Activities, A-104, U.S. Environmental Protection Agency, 401 M Street, Southwest, Washington, DC 20460, phone (202) 475-8793.

SUPPLEMENTARY INFORMATION: On May 4, 1990, EPA published in the *Federal Register* (55 FR 18838) a notice of proposed rulemaking for revisions to its NEPA regulations in 40 CFR part 6 subparts D and G. The current rulemaking finalizes the changes proposed in the earlier notice. These changes include the development of procedures for categorically excluding ORD projects having no significant impact on the environment from preparation of an EA or EIS. As part of the revisions EPA also developed a list of ORD actions which would normally be eligible for categorical exclusion. These are:

- (1) Library or literature searches and studies;
- (2) Computer studies and activities;
- (3) Monitoring and sample collection wherein no significant alteration of existing ambient conditions occurs;
- (4) Projects conducted completely within a contained facility, such as a laboratory or other enclosed building where methods are employed for appropriate disposal of laboratory wastes and safeguards exist against hazardous, toxic, and radioactive materials entering the environment. Laboratory directors or other

appropriate officials must certify and provide documentation that the laboratory follows good laboratory practices and adheres to applicable federal statutes, regulations and guidelines.

Since an estimated 98 percent of ORD's NEPA reviews are on the types of actions listed above, the changes in the regulation will enable the Agency to now focus its resources on assessing projects that have the potential to significantly affect the environment.

Other changes to the regulations include revision of the criteria requiring preparation of EISs on ORD actions. This was done in order to clarify criteria which, in the past, was vague or confusing to ORD project officers, and to make the criteria more applicable to ORD projects having the potential to significantly affect the environment. As a result of this change, EPA, in deciding whether to prepare an EIS, will focus on the significance of environmental impact as the key determinant, rather than the nature of the activity itself. EPA also developed a list of ORD actions, in § 6.705, which normally result in the preparation of an EA, and included a new provision [in § 6.703(c)] for coordinating ORD NEPA reviews with reviews conducted in other EPA programs. Additionally, the text of subpart G was reformatted to describe more clearly the environmental review process for ORD projects.

This rulemaking also amended § 6.400(f) Categorical exclusions in 40 CFR part 6 subpart D—Public and other Federal Agency Involvement. As previously written, the regulation required applicants to publish notice of EPA's categorical exclusion determinations. It also required the Agency to make documentation of these decisions available to the public and distribute notices of the determinations to all known interested parties. EPA believes that this requirement is unwarranted for most of its actions and places an undue burden on the applicant and the Agency. By this rulemaking, EPA has eliminated the public notice requirement for categorical exclusion determinations in all of EPA's programs except the Wastewater Treatment Construction Grants Program. For this program, the requirement is still in effect because the Agency has found it to be of benefit in obtaining new information on certain projects, such as minor plant expansions.

EPA believes that the changes that have been made in the regulations are consistent with the Council on Environmental Quality's (CEQ) NEPA regulations in 40 CFR parts 1500-1508

and will improve the conduct of EPA's NEPA reviews for ORD actions.

Response to Comments

EPA received comments from two parties in response to the notice of the proposed rulemaking. One party supported the changes that the Agency was proposing in the regulations. The other party disagreed with EPA's proposal to categorically exclude all research conducted in a laboratory or contained building from an EA or EIS review. The individual was concerned that research involving potentially hazardous organisms and requiring "P3 or P4" type of containment procedures would not receive adequate assessment under a categorical exclusion determination nor allow the public to be informed of the research. P3 and P4 procedures are those carried out for the most stringent levels of containment and involve the use of specific laboratory practices, containment equipment and special laboratory design to prevent human and environmental contamination.

EPA has carefully considered this comment. We appreciate the commentator's concern regarding research involving potentially hazardous organisms.

While research conducted in contained facilities is a category of activity which normally does not have a significant effect on the environment, this does not mean that contained research in all cases would necessarily be excluded from the requirement to prepare an EA or EIS. To make a categorical exclusion determination, the ORD project officer must also ensure that the activity does not satisfy the criteria for not granting a categorical exclusion which is listed in EPA's general procedures for implementing NEPA in subpart A, § 6.107(e). Otherwise, an EA or EIS must be prepared. A review of the criteria in § 6.107(e) of the general procedures will be conducted on each project, regardless of whether the project fits the categories listed in § 6.704(b) of the regulations. Moreover, a categorical exclusion determination may later be revoked if the program official, in accordance with § 6.107(c), determines that:

- (1) The project no longer meets the requirements for a categorical exclusion because of changes in the project;
- (2) There is new evidence that serious local or environmental issues exist; or
- (3) Federal, State, local or tribal laws may be violated. If this situation occurred, a full environmental review would have to be conducted on the project.

As a further precaution, EPA shall require laboratory directors to certify and provide documentation that the laboratory uses good laboratory practices and adheres to all applicable federal statutes, regulations and guidelines, such as the National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules and Resource Conservation and Recovery Act (RCRA) requirements for treatment, storage, and disposal of hazardous wastes. Good laboratory practices include procedures and facility design to address emergencies, and safeguards against hazardous materials accidentally entering the environment. To ensure that extramural research is conducted in a safe manner, ORD will continue its practice of having project officers make periodic visits to the research facility. Given these considerations, we believe that research eligible to be categorically excluded from a full NEPA review poses little or no risk to the environment.

EPA also believes that, because the ORD actions normally eligible for categorical exclusion pose little or no risk to the environment, there is no need to provide public notice of its categorical exclusion determinations. While this requirement has been eliminated in this rulemaking for most of the EPA actions that are categorically excluded, the public can still obtain information about these determinations upon request to the Agency.

In the final rule EPA has made minor modifications to language in the notice of proposed rulemaking at § 6.706(a) which sets out criteria for preparation on an EIS. 6.706(a)(2) was re-written to make it more clear. Section 6.706(a)(3) and (5) were modified to use language consistent to that set out in the CEQ NEPA regulations at 40 CFR part 1508.27.

EPA has determined that the rulemaking is not a "major rule" under Executive Order 12291. Consequently, no regulatory impact analysis was prepared. Also, under the criteria of the Regulatory Flexibility Act, this rulemaking would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 6 Subparts D and G

Environmental impact statements.

Dated: April 29, 1991.

Acting Administrator, Environmental Protection Agency.

For the reasons set out in the preamble title 40 part 6 subparts D and

G of the Code of Federal Regulations are amended as follows:

Subpart D—[Amended]

1. The authority citation for part 6 continues to read as follows:

Authority: Secs. 101, 102, and 103 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*); also, the Council on Environmental Quality Regulations dated Nov. 29, 1973 (40 CFR part 1500).

2. Section 6.400 is amended by revising paragraph (f) to read as follows:

§ 6.400 Public involvement.

(f) *Categorical exclusions.* (1) For categorical exclusion determinations under subpart E (Wastewater Treatment Construction Grants Program), an applicant who files for and receives a determination of categorical exclusion under § 6.107(a), or has one rescinded under § 6.107(c), shall publish a notice indicating the determination of eligibility or rescission in a local newspaper of community-wide circulation and indicate the availability of the supporting documentation for public inspection. The responsible official shall, concurrent with the publication of the notice, make the documentation as outlined in § 6.107(b) available to the public and distribute the notice of the determination to all known interested parties.

(2) For categorical exclusion determinations under other subparts of this regulation, no public notice need be issued; however, information regarding these determinations may be obtained by contacting the U.S. Environmental Protection Agency's Office of Research Program Management for ORD actions, or the Office of Federal Activities for other program actions.

3. Subpart G is revised in its entirety to read as follows:

Subpart G—Environmental Review Procedures for Office of Research and Development Projects

Sec.

- 6.700 Purpose
- 6.701 Definition
- 6.702 Applicability
- 6.703 General
- 6.704 Categorical exclusions
- 6.705 Environmental assessment and finding of no significant impact
- 6.706 Environmental impact statement

Subpart G—Environmental Review Procedures for Office of Research and Development Projects

§ 6.700 Purpose.

(a) This subpart amplifies the requirements described in subparts A through D by providing specific

environmental review procedures for activities undertaken or funded by the Office of Research and Development (ORD).

(b) The ORD Program provides scientific support for setting environmental standards as well as the technology needed to prevent, monitor and control pollution. Intramural research is conducted at EPA laboratories and field stations throughout the United States. Extramural research is implemented through grants, cooperative agreements, and contracts. The majority of ORD's research is conducted within the confines of laboratories. Outdoor research includes monitoring, sampling, and environmental stress and ecological effects studies.

§ 6.701 Definition.

The term *appropriate program official* means the official at each decision level within ORD to whom the Assistant Administrator has delegated responsibility for carrying out the environmental review process.

§ 6.702 Applicability.

The requirements of this subpart apply to administrative actions undertaken to approve intramural and extramural projects under the purview of ORD.

§ 6.703 General.

(a) *Environmental information.* (1) For intramural research projects, information necessary to perform the environmental review shall be obtained by the appropriate program official.

(2) For extramural research projects, environmental information documents shall be submitted to EPA by applicants to facilitate the Agency's environmental review process. Guidance on environmental information documents shall be included in all assistance application kits and in contract proposal instructions. If there is a question concerning the preparation of an environmental information document, the applicant should consult with the project officer or contract officer for guidance.

(b) *Environmental review.* The diagram in figure 1 represents the various stages of the environmental review process to be undertaken for ORD projects.

(1) For intramural research projects, an environmental review will be performed for each laboratory's projects at the start of the planning year. The review will be conducted before projects are incorporated into the ORD program planning system. Projects added at a

later date and, therefore, not identified at the start of the planning year, or any redirection of a project that could have significant environmental effects, also will be subjected to an environmental review. This review will be performed in accordance with the process set forth in this subpart and depicted in figure 1.

(2) For extramural research projects, the environmental review shall be conducted before an initial or continuing award is made. The appropriate program official will perform the environmental review in accordance with the process set forth in this subpart and depicted in figure 1. EPA form 5300-23 will be used to document categorical exclusion determinations or, with appropriate supporting analysis, as the environmental assessment (EA). The completed form 5300-23 and any finding of no significant impact (FNSI) or environmental impact statement (EIS) will be submitted with the proposal package to the appropriate EPA assistance or contract office.

(c) *Agency coordination.* In order to avoid duplication of effort and ensure consistency throughout the Agency, environmental reviews of ORD projects will be coordinated, as appropriate and feasible, with reviews performed by other program offices. Technical support documents prepared for reviews in other EPA programs may be adopted for use in ORD's environmental reviews and supplemented, as appropriate.

§ 6.704 Categorical exclusions.

(a) At the beginning of the environmental review process (see Figure 1), the appropriate program official shall determine whether an ORD project can be categorically excluded from the substantive requirements of a NEPA review. This determination shall be based on general criteria in § 6.107(d) and specialized categories of ORD actions eligible for exclusion in § 6.704(b). If the appropriate program official determines that an ORD project is consistent with the general criteria and any of the specialized categories of eligible activities, and does not satisfy the criteria in § 6.107(e) for not granting a categorical exclusion, then this finding shall be documented and no further action shall be required. A categorical exclusion shall be revoked by the appropriate program official if it is determined that the project meets the criteria for revocation in § 6.107(c). Projects that fail to qualify for categorical exclusion or for which categorical exclusion has been revoked must undergo full environmental review in accordance with § 6.705 and § 6.706.

(b) The following specialized categories of ORD actions are eligible

for categorical exclusion from a detailed NEPA review:

- (1) Library or literature searches and studies;
- (2) Computer studies and activities;
- (3) Monitoring and sample collection wherein no significant alteration of existing ambient conditions occurs;
- (4) Projects conducted completely within a contained facility, such as a laboratory or other enclosed building, where methods are employed for appropriate disposal of laboratory wastes and safeguards exist against hazardous, toxic, and radioactive materials entering the environment. Laboratory directors or other appropriate officials must certify and provide documentation that the laboratory follows good laboratory practices and adheres to applicable federal statutes, regulations and guidelines.

§ 6.705 Environmental assessment and finding of no significant impact.

(a) When a project does not meet any of the criteria for categorical exclusion, the appropriate program official shall undertake an environmental assessment in accordance with 40 CFR 1508.9 in order to determine whether an EIS is required or if a FNSI can be made. ORD projects which normally result in the preparation of an EA include the following:

- (1) Initial field demonstration of a new technology;
 - (2) Field trials of a new product or new uses of an existing technology;
 - (3) Alteration of a local habitat by physical or chemical means.
- (b) If the environmental assessment reveals that the research is not anticipated to have a significant impact on the environment, the appropriate program official shall prepare a FNSI in accordance with § 6.105(f). Pursuant to § 6.400(d), no administrative action will be taken on a project until the prescribed 30-day comment period for a FNSI has elapsed and the Agency has fully considered all comments.

(c) On actions involving potentially significant impacts on the environment, a FNSI may be prepared if changes have been made in the proposed action to eliminate any significant impacts. These changes must be documented in the proposal and in the FNSI.

(d) If the environmental assessment reveals that the research may have a significant impact on the environment, an EIS must be prepared. The appropriate program official may make a determination that an EIS is necessary without preparing a formal environmental assessment. This determination may be made by applying

the criteria for preparation of an EIS in § 6.706.

§ 6.706 Environmental impact statement.

(a) *Criteria for preparation.* In performing the environmental review, the appropriate program official shall assure that an EIS is prepared when any of the conditions under § 6.108 (a) through (g) exist or when:

- (1) The proposed action may significantly affect the environment through the release of radioactive, hazardous or toxic substances;
- (2) The proposed action, through the release of an organism or organisms, may involve environmental effects which are significant;
- (3) The proposed action involves effects upon the environment which are likely to be highly controversial;
- (4) The proposed action involves environmental effects which may accumulate over time or combine with effects of other actions to create impacts which are significant;
- (5) The proposed action involves uncertain environmental effects or highly unique environmental risks which may be significant.

(b) *ORD actions which may require preparation of an EIS.* There are no ORD actions which normally require the preparation of an EIS. However, each ORD project will be evaluated using the EIS criteria as stated in § 6.706(a) to determine whether an EIS must be prepared.

(c) *Notice of intent.* (1) If the environmental review reveals that a proposed action may have a significant effect on the environment and this effect cannot be eliminated by redirection of the research or other means, the appropriate program official shall issue a notice of intent to prepare an EIS pursuant to § 6.400(b).

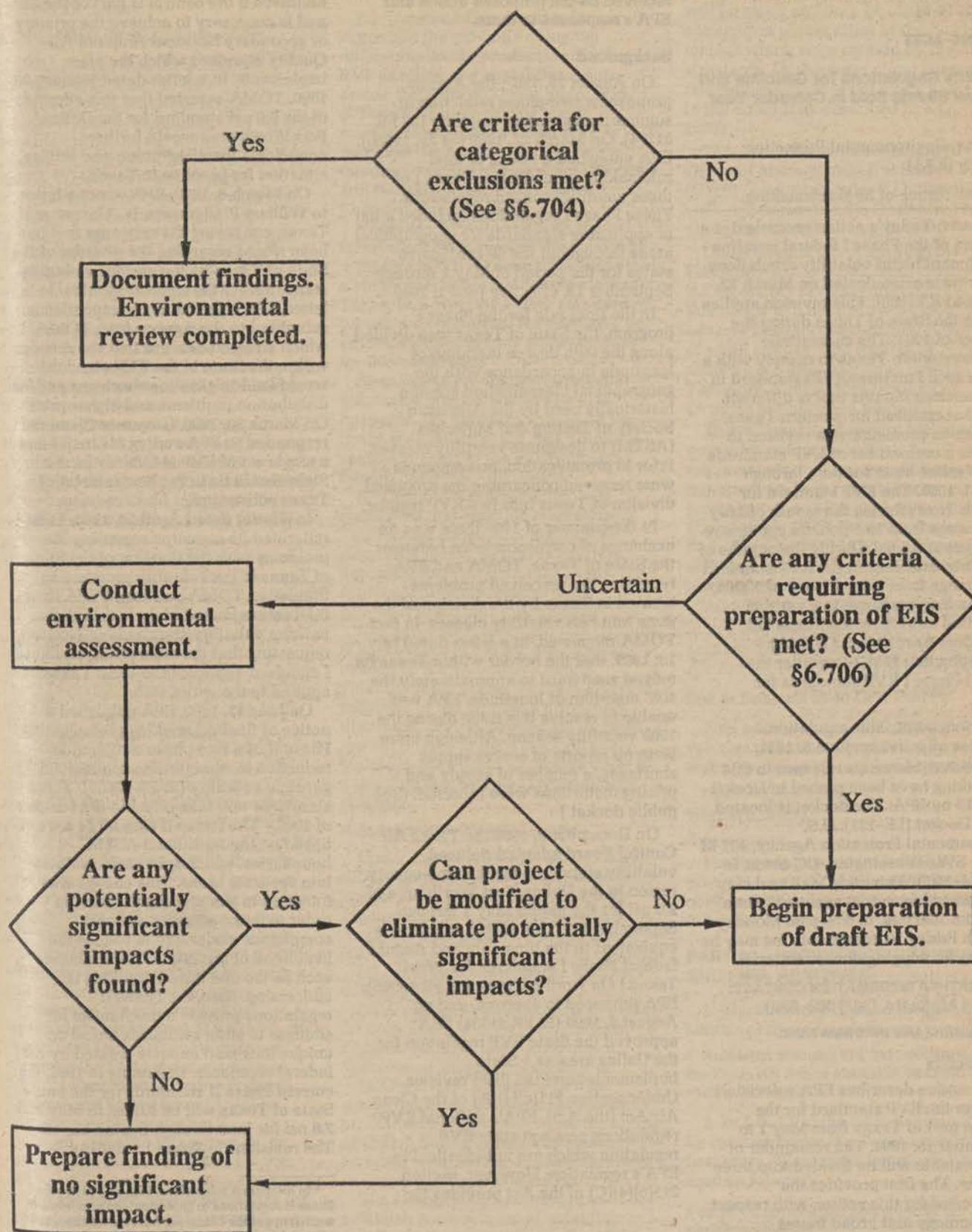
(2) As soon as possible after release of the notice of intent, the appropriate program official shall ensure that a draft EIS is prepared in accordance with subpart B and that the public is involved in accordance with subpart D.

(3) Draft and final EISs shall be sent to the Assistant Administrator for ORD for approval.

(4) Pursuant to § 6.401(b), a decision on whether to undertake or fund a project must be made in conformance with the time frames indicated.

(d) *Record of decision.* Before the project is undertaken or funded, the appropriate program official shall prepare, in accordance with § 6.105 (g) and (h), a record of decision in any case where a final EIS has been issued.

Figure 1. Environmental review process for ORD projects.



40 CFR Part 80**[FRL-3914-9]****RIN 2060-AC93****Volatility Regulations for Gasoline and Alcohol Blends Sold in Calendar Year 1991****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of final rulemaking.

SUMMARY: Today's action promulgates a revision of the Phase I federal gasoline and alcohol blend volatility regulations which were promulgated on March 22, 1989 (54 FR 11886). This revision applies only to the State of Texas during the summer of 1991. The current rule requires eastern Texas to comply with a Reid Vapor Pressure (RVP) standard in most summer months that is different from that required for western Texas. This action promulgates a revision to provide a uniform set of RVP standards for the entire state for June through August, 1991. The RVP standard for eastern Texas during the month of May will change from 10.5 pounds per square inch (psi) to 9.5 psi. During the months of June, July, and August the RVP standard will change from 9.5 psi to 9.0 psi. This revision is in response to a petition submitted to EPA by the Texas Oil Marketers Association (TOMA) requesting that EPA reconsider the federal Phase I RVP standards for Texas.

EFFECTIVE DATE: This regulation becomes effective on June 5, 1991.

ADDRESSES: Materials relevant to this rulemaking have been placed in Docket A-90-17 by EPA. The docket is located at Air Docket (LE-131), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, in room M-1500 Waterside Mall and may be inspected from 8:30 a.m. to 12 noon and from 1:30 p.m. to 3:30 p.m. Monday through Friday. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: Alfonse Mannato, (202) 382-2640.

SUPPLEMENTARY INFORMATION:**Introduction**

This notice describes EPA's decision to revise the RVP standard for the Eastern part of Texas from May 1 to September 15, 1991. The remainder of this preamble will be divided into three sections. The first provides the background for this action, with respect to chronology and broad issues involved. The second section presents today's action and EPA's rationale. The

third section summarizes the comments received on the proposed action and EPA's responses to them.

Background

On August 19, 1987, the Agency proposed a two-phase reduction in summertime gasoline volatility (52 FR 31274). On March 22, 1989 (54 FR 11886), EPA published a notice of final rulemaking promulgating Phase I of these volatility control regulations. These Phase I regulations included a list of applicable standards for geographical areas throughout the 48 contiguous states for the period of May 1 through September 15, effective June 1, 1989¹.

In the final rule for the Phase I program, the State of Texas was divided along the 99th degree meridian of longitude in accordance with the geographical classification scheme historically used by the American Society of Testing and Materials (ASTM) to designate volatility classes. Prior to promulgation, no comments were received concerning the proposed division of Texas into two RVP regions.

In the summer of 1989 there was an exchange of correspondence between the State of Texas, TOMA and EPA regarding the perceived problems created in Texas by the division of the state into two volatility classes. In fact TOMA requested, in a letter dated July 10, 1989, that the border within Texas be moved westward to approximately the 105° meridian of longitude. EPA was unable to resolve this issue during the 1989 volatility season. Although there were no reports of severe supply shortages, a number of supply and pricing distortions were reported. (See public docket.)

On December 8, 1989 the Texas Air Control Board adopted reduced volatility standards for the nine-county region in the Dallas/Fort Worth area of 9.0 psi for the period May 1 through September 16. (This 9.0 psi standard is equivalent to the June, July and August federal Phase I standards for West Texas.) On April 30, 1990, (55 FR 18005), EPA proposed to approve, and on August 3, 1990 (55 FR 31584) EPA approved the State RVP regulation for the Dallas area as a State Implementation Plan (SIP) revision. Under section 211(c)(4)(A) of the Clean Air Act (the Act), EPA's national RVP regulations preempt state RVP regulation which are not identical to EPA's regulation. However, section 211(c)(4)(C) of the Act provides for

approval of state control of fuel or fuel additives if the control is part of the SIP and is necessary to achieve the primary or secondary National Ambient Air Quality Standard which the plan implements. In a letter dated January 26, 1990, TOMA asserted that this adoption of the 9.0 psi standard for the Dallas/Fort Worth area would further complicate the distribution and pricing situation for gasoline in Texas.

On March 8, 1990, EPA wrote a letter to William P. Clements, Jr., Governor of Texas, conveying the concerns that had been raised regarding the division of the State of Texas by the current volatility standards for the summer months. In the letter, EPA referred to correspondence submitted to the Agency from TOMA which stressed concern that the division within the State in the RVP standard would lead to gasoline shortages and/or distribution problems and higher prices. On March 28, 1990, Governor Clements responded to EPA stating his belief that a single set of RVP standards for the State would be in the best interest of Texas consumers.

In a letter dated April 26, 1990, TOMA reiterated its concerns regarding the problems with the division of the State of Texas in the volatility program. In that letter, TOMA petitioned EPA to take action immediately to establish a uniform volatility standard for Texas, requesting that the more stringent Phase I standard applicable to West Texas be applied to the entire state.

On June 11, 1990, EPA published a notice of final rulemaking promulgating Phase II of a two-phase nationwide reduction in summertime commercial gasoline volatility (55 FR 23658). These standards will take effect in the summer of 1992.² The Phase II standards are not based on the traditional ASTM boundaries, which split various states into separate areas. This change was intended to simplify the program in order to make enforcement and compliance easier and to reduce the likelihood of intrastate "border issues" such as the one this rulemaking is addressing. Also, the Phase II regulations provide a mechanism for changes to state standards based on unique localized impacts created by the federal standards. Beginning in 1992, the current Phase II standards for the entire State of Texas will be 9.0 psi in May and 7.8 psi for June through September 15. The revisions to Phase I volatility

² In a separate rulemaking, EPA will revise the Phase II regulations to implement the provisions of section 216 of the Clean Air Act Amendments of 1990, Public Law 101-549 (November 15, 1990). Today's revisions are limited to the 1991 RVP season and do not change the Phase II regulations.

¹ In 1989, the standards did not go into effect until June 1.

standards for eastern Texas adopted today were proposed on September 25, 1990 (55 FR 39169).

A Description of Today's Action

EPA believes that there will be environmental benefits associated with the reduction of volatility levels proposed in this rulemaking. The level of benefits are discussed in the approved Texas SIP referenced above (see 55 FR 18005). While there will be some incremental costs associated with the production of the lower volatility gasoline, these costs will be small and may be offset by the elimination of inequities in the local market which were created by the dual standards. As noted earlier, both the State of Texas and local gasoline marketers support today's action. In fact, there was no opposition to today's action at either the public hearing on November 14, 1990 or in written comments.

EPA has reviewed TOMA's petition and has found that the request to apply a uniform set of RVP standards throughout Texas is appropriate because of the concerns raised by many refiners, jobbers and citizens regarding gasoline production, transportation and availability along the 99th meridian of longitude, stemming from the difference in Phase I RVP standards east and west of this meridian. In addition, there will be environmental benefits from this reduction in volatility as previously discussed. Today's action will revise the Phase I volatility standards to make the same set of standards applicable to the whole state, effective for 1991. Specifically, for the part of Texas east of the 99th degree meridian of longitude, today's action changes the Federal phase I RVP standard for the month of May from 10.5 psi to 9.5 psi, and for the months of June, July and August from 9.5 psi to 9.0 psi. Because 1991 is the only remaining year of the Phase I program, these standards are applicable only for calendar year 1991. Beginning in the summer of 1992, the federal standards promulgated for the phase II program will apply; this rulemaking action in no way affects the phase II program.

Because of the existence of the approved state standard of 9.0 psi in the nine-county Dallas/Fort Worth area, whenever the State standard is more stringent than the applicable Federal standard, the State standard will be fully enforceable by the State. Therefore, although this action is finalized and will be effective for the 1991 volatility season, the more stringent State standard for May 1991 and for the period from September 1 through September 16, 1991, will be in effect, unless revised by the State.

Summary of Public Comments and EPA's Responses

(1) *Comment:* One commenter supported the new rule citing the differences in the production of a lower RVP gasoline and cost differentials across the State of Texas. Also, price differentials have caused many marketers requiring a lower RVP to purchase the gasoline farther away, thereby incurring a greater cost for time and transportation. This created a financial disadvantage.

Response: EPA agrees with the commenter by proposing this final rule.

(2) *Comment:* A commenter supported a single volatility level for the state of Texas, however, the higher standard of 9.5 psi. was preferred. No economic or environmental reasons were provided for this preference.

Response: EPA acknowledges that although a single volatility level is desirable, the standard should be the lower RVP level for the 1991 volatility season to achieve the environmental benefit previously discussed.

(3) *Comment:* A commenter was concerned that gasoline marketers in neighboring states with higher RVP standards would be prevented from exporting their product into Texas. No economic or other reasons were provided to support this concern.

Response: EPA feels that this concern is speculative in nature, and does not change EPA's view that a single volatility level across Texas is a proper response to the problems previously discussed. Border issues such as these are not unique to the Texas volatility standard, they occur anywhere there is a dividing line between two volatility classes.

Administrative Requirements

Under Executive Order (E.O.) 12291, EPA must judge whether an action is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed action is not major because it is not likely to result in:

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) Significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The effects of this action are to establish a uniform set of volatility standards throughout Texas for 1991. While there will be some incremental

costs associated with the production of the lower volatility gasoline, these costs will be small and may be offset by the elimination of inequities in the local market which were created by the dual standards. Under these circumstances, this proposed rule is not likely to result in the conditions described in E.O. 12291.

This regulation was submitted to the Office of Management and Budget (OMB) for review under E.O. 12291. Any written comments from OMB have been placed in the rulemaking docket.

Under section 605 of the Regulatory Flexibility Act, 5 U.S.C. 605, I certify that the regulatory revision promulgated in this notice will not have a significant adverse impact on a substantial number of small entities. The regulatory revision should have little economic impact. Therefore, a regulatory flexibility analysis has not been prepared.

This rulemaking does not include any new information collection requirements. Information collection requirements in the regulations promulgated on March 22, 1989, were approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., and have been assigned OMB control number 2060-0178.

Authority for the action promulgated in this notice is granted to EPA by sections 114, 211, and 301 of the Clean Air Act (42 U.S.C. 7414, 7545, and 7601).

List of Subjects in 40 CFR Part 80

Fuel additives, Gasoline, Motor vehicles pollution, Penalties, Reporting and recordkeeping requirements.

Dated: April 30, 1991.

William K. Reilly,
Administrator.

For the reasons set forth in the preamble, part 80 of title 40 of the Code of Federal Regulations is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: Sections 114, 211, and 301(a) of the Clean Air Act as amended, 42 U.S.C. 7414, 7545, and 7601(a).

2. In § 80.27(a) the table is amended by revising under the Texas heading the first entry, "East of 99° Longitude," to read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

(a) * * *

APPLICABLE STANDARDS¹

[(1) 1969-1991]

State	May	June	July	Aug.	Sept.
Texas:					
East of					
99°					
Longi-					
tude.....	9.5	9.0	9.0	9.0	9.5

¹ Standards are expressed in pounds per square inch (psi).

[FR Doc. 91-10612 Filed 5-3-91; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 228

[FRL-3953-8]

Ocean Dumping; Cancellation of Site Designation; Key West, FL

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today cancels the interim designation of an ocean dumping site for the disposal of dredged material offshore Key West, Florida. This action is being taken because there is no clear future need for this site. The site will be removed from the list of "Approved Interim Dumping Sites" in 40 CFR 228.12(a)(3), which includes dredged material and non-dredged material ocean dumping sites.

DATES: This cancellation shall become effective on June 5, 1991.

ADDRESSES: Mr. Robert B. Howard, U.S. Environmental Protection Agency/Region IV, Water Management Division, Water Quality Management Branch, Wetlands and Coastal Programs Section, Coastal Programs Unit, 345 Courtland Street NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Howard (404) 347-2126 or FTS 257-2126.

SUPPLEMENTARY INFORMATION: EPA published revised "Ocean Dumping Regulations and Criteria" in the Federal Register on January 11, 1977 (42 FR 2462 et seq.). Section 228.12 contains a list of "Approved Interim Dumping Sites" and "Approved Dumping Sites."

This list was amended on December 9, 1980 (45 FR 81042 et seq.) to extend the interim designation of some ocean dumping sites and cancel the designation of six industrial sites and one dredged material site. At that time, EPA stated its intention to identify additional ocean dumping sites for which there is no projected future need.

One such site offshore Key West, Florida, has now been identified, and EPA is cancelling the interim designation of this site based upon EPA's evaluation of information from the U.S. Army Corps of Engineers (COE), Jacksonville District. According to the Jacksonville District, the site has never been used and there is no work, new or maintenance, envisaged for the Key West, Florida area. Any future dredging that may be required would be in the event of an emergency (e.g., hurricane). Such disposal of dredged material is best handled by the COE's Section 103 Designation authority provided in the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, as amended. The use of significant resources for studying, designating, monitoring and managing an EPA section 102 (MPRSA) ocean dumping site for the disposal of dredged material offshore Key West, Florida is presently unwarranted based upon the absence of any past or reasonably foreseeable need for ocean disposal of significant volumes of dredged material.

EPA proposed cancellation of the designation of this site on July 10, 1990 (55 FR 28235). The public comment period expired on August 9, 1990. Only one letter was received commenting on the proposed cancellation of the Key West site. The letter, from the Key West Bar Pilots, stated that the site was needed because maintenance dredging of the local channels would eventually be necessary and that upland alternatives were not available. While EPA does not disagree that ocean disposal of dredged materials may be necessary in the future, the infrequency and uncertainty of dredging for this area does not justify an EPA section 102 ocean dumping site (as discussed above). Such events should be handled under the section 103 authority granted to the COE for one-time use.

The site with its identifying coordinates is:

Key West, FL

24°27'24" N., 81°45'38" W.

24°27'24" N., 81°44'32" W.

24°26'20" N., 81°44'32" W.

24°26'20" N., 81°45'38" W.

The cancellation of this site as an EPA interim-approved ocean dumping site is being published (per 40 CFR 228.11(a)) as final rulemaking.

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. Under Executive Order 12291, EPA must judge whether a regulation is "major"

and therefore subject to the requirement of a Regulatory Impact Analysis.

EPA has determined that this action will not have a significant impact on small entities. No small entities are using or, as far as EPA is aware, are planning to use this site in the near future. Furthermore, the cancellation of this site designation will have no effect on the economy or cause any of the other effects which would result in its being classified as a "major" action. Consequently, this action does not necessitate the preparation of a Regulatory Flexibility Analysis or Regulatory Impact Analysis.

This final rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. et seq.

List of Subjects in 40 CFR Part 228

Water pollution control.

Patrick M. Tobin,

Acting Regional Administrator.

In consideration of the foregoing, part 228 of title 40 is amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

§ 228.12 [Amended]

2. Section 228.12 is amended by removing the "Key West" entry from the list of "Dredged Material Sites," in paragraph (a)(3).

[FR Doc. 91-10613 Filed 5-3-91; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 250

[SWH-FRL-3954-2]

Guideline for Federal Procurement of Paper and Paper Products Containing Recovered Materials

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: The U.S. Environmental Protection Agency (EPA) has issued a series of guidelines designed to encourage Federal government's use of products containing materials recovered from solid waste. Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA or the Act), as amended, 42 U.S.C. 6962, states that if a procuring agency purchases items

designated in EPA's guidelines, such items must be composed of the highest percentage of recovered materials practicable. EPA is required to prepare guidelines to assist procuring agencies in complying with the requirements of section 6002.

On June 22, 1988, EPA published a guideline for purchasing recycled paper and paper products (40 CFR part 250; 53 FR 23546). The guideline included a general discussion of the factors affecting the availability and relative price of recycled paper and paper products but did not provide detailed information. Today EPA is announcing how and where interested persons can obtain detailed information about the availability and price of recycled paper and paper products covered by the guideline.

ADDRESSES: The public docket for this notice is located in room M-2427 (Mail code OS-305) of the U.S. EPA, 401 M Street, SW., Washington, DC 20460, and is available for viewing from 9 am to 4 pm, Monday through Friday, excluding holidays. To review docket materials, the public must make an appointment by calling (202) 475-9327. Refer to docket F-91-PPGA-FFFFF.

Materials may be copied from any regulatory docket at a cost of 15 cents per page. Copying totaling less than \$15 (100 pages) is free.

FOR FURTHER INFORMATION CONTACT: For general information, contact the Procurement Guidelines Hotline, (703) 941-4452. For technical information, contact Terry Crist, Office of Solid Waste (OS-301), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, telephone: (202) 475-8518.

SUPPLEMENTARY INFORMATION:

I. Background

Section 6002 of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6962, requires each procuring agency subject to the statute to procure certain items composed of the highest percentage of recovered materials practicable. The U.S. Environmental Protection Agency (EPA) is responsible for preparing guidelines to assist procuring agencies in meeting the statutory requirements and to provide information on recovered materials. These guidelines must designate items which are or can be produced with recovered materials and whose procurement will carry out the objectives of section 6002.

Section 6002(d)(2) provides that within one year after the publication of an EPA guideline, Federal procuring agencies must assure that their specifications for

the items designated by the guideline require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of the designated items. In addition, section 6002(i) requires each procuring agency to develop an affirmative procurement program for procuring the designated items. The program must: (1) Assure that items composed of recovered materials will be purchased to the maximum extent practicable, (2) be consistent with applicable provisions of Federal procurement law, and (3) contain at least the following four elements:

- (1) A recovered materials preference program;
- (2) An agency promotion program;
- (3) Procedures for requiring estimates, certification, and verification of recovered material content; and
- (4) Annual review and monitoring of the effectiveness of the procurement program.

EPA's guidelines provide recommendations for specification revisions and for establishing an affirmative procurement program. In addition, section 6002(e) requires EPA to provide information as to availability and relative price of products containing recovered materials.

To date, EPA has published guidelines for five items: cement and concrete containing fly ash (40 CFR part 249, 48 FR 4249, January 28, 1983), paper and paper products (40 CFR part 250, 53 FR 23546, June 22, 1988), re-refined lubricating oil (40 CFR part 252, 53 FR 24699, June 30, 1988), retread tires (40 CFR part 253, 53 FR 46588, November 17, 1988), and building insulation products (40 CFR part 248, 54 FR 7328, February 17, 1989).

The guideline for purchasing recycled paper and paper products included a general discussion of the factors affecting the availability and relative price of recycled paper and paper products but did not provide detailed information. EPA noted that price and availability vary significantly over short periods of time and that, therefore, such information "would not remain accurate long enough * * * to be useful in a guideline." (53 FR 23559).

EPA's guideline was challenged by the National Recycling Coalition and the Environmental Defense Fund. In *National Recycling Coalition, Inc. and Environmental Defense Fund, Inc. v. Reilly*, D.C. Dir. No. 88-1511, EPA was directed to amend the guideline by including a reference to where and how interested parties can obtain price and availability information. Today EPA is providing this additional information.

II. Variability of Pricing Information

Price and availability of paper and paper products, whether virgin or recycled, are affected by many variables, including grade, brightness, size, basis weight, color, finish, quantity, distributor mark-up, and freight charges. In addition, price and availability vary depending on whether the paper is a stock item or requires a special order. Price and availability of recycled paper and paper products also are affected by the geographic location of the purchaser because these products are not uniformly readily available throughout the United States. Therefore, the best sources of current price and availability information for specific quantities of specific grades to be delivered to specific locations are the paper mills and paper product vendors.

Relative prices of recycled paper and paper products compared to prices of comparable virgin paper and paper products also vary. Some paper grades are almost always cheaper when containing recovered materials, while others are more expensive. For example, in the late summer of 1990, prices of truckload quantities of recycled text and cover grades, on average, were 10 percent lower than virgin text and cover grades. During the same time period, prices of truckload quantities of recycled commodity offset paper were 8-15 percent higher than virgin commodity offset paper. While these figures represent national averages, the prices actually paid in any part of the United States could be different depending upon such additional factors as freight charges and distributor mark-ups.

III. Sources of Information

EPA has developed lists of mills claiming that they produce paper and paper products that meet the minimum content standards recommended in the paper guideline. EPA also has developed national and regional lists of vendors claiming that they can supply recycled printing and writing papers meeting the recommended minimum content standards. These lists are updated periodically as new sources are identified and mills/vendors offer additional products. Procuring agencies should contact the mills and vendors to discuss their specific needs and to obtain detailed information on the price and availability of paper and paper products meeting those needs. To assist procuring agencies, the lists of mills and vendors are available at no charge by calling the Procurement Guidelines Hotline at (703) 941-4452. They also can

be reviewed in the RCRA public docket, which is located at EPA headquarters in Washington, DC. The address for the docket and procedures for reviewing and copying information are described above under "ADDRESSES". The docket number is F-91-PPGA-FFFFF.

In addition to EPA's mills and vendors lists, there are other publicly available sources of information about recycled paper mills and vendors. For example, the Official Recycled Products Guide (RPG) was established in March 1989 to provide a broad range of information on recycled products. Listings include product, company name, address, contact, telephone, fax, type of company (manufacturer or distributor), and minimum recycled content. As with EPA's lists, price information is not included. The RPG is available on a subscription basis from American Recycling Market Inc., 1-800-267-0707.

State and local recycling programs are a potential source of information on local distributors, product price, and availability. In addition, state and local government purchasing offices that are contracting for recycled paper and paper products should have price and availability information. A list of state purchasing/procurement officials has been placed in the docket for this notice and will be updated periodically. Table 1 lists those states with recycled product procurement laws, executive orders and resolutions as of October 1, 1990.

In December of 1990, the American Paper Institute (API) published the first edition of its PaperMatcher directory. This document is intended to be a directory of paper recycling resources that serve as markets for recovered waste paper. The document provides lists of U.S. mills that use waste paper in their papermaking processes; waste paper dealers located throughout the United States; and U.S. recycling centers. Copies of the PaperMatcher directory are available from the API's Solid Waste Resource Center at 1-800-878-8878.

Dated: April 19, 1990.

Don R. Clay,

Assistant Administrator, Office of Solid Waste and Emergency Response.

TABLE 1—STATES WITH RECYCLED PRODUCTS PROCUREMENT PROGRAMS

State	Law	Basis of Program	Resolution
		Executive Order	
Alaska.....	X		
Arizona.....	X		

TABLE 1—STATES WITH RECYCLED PRODUCTS PROCUREMENT PROGRAMS—Continued

State	Law	Basis of Program	Resolution
		Executive Order	
California.....	X		
Colorado.....	X	X	
Connecticut.....	X		
Dist. of Columbia.....	X		
Florida.....	X		
Georgia.....	X		
Hawaii.....	X		
Illinois.....	X	X	
Indiana.....	X		
Iowa.....	X	X	
Kansas.....	X	X	
Kentucky.....	X	X	
Louisiana.....	X		
Maine.....	X		
Maryland.....	X		
Massachusetts.....	X	X	
Michigan.....	X	X	
Minnesota.....	X		
Mississippi.....	X		
Missouri.....	X		
Nebraska.....	X	X	
New Hampshire.....	X		
New Jersey.....	X		
New Mexico.....	X		
New York.....	X		
North Carolina.....	X		
North Dakota.....	X		
Ohio.....	X	X	
Oklahoma.....	X		
Oregon.....	X		
Pennsylvania.....	X		
Rhode Island.....	X		
Tennessee.....	X		
Texas.....	X		
Utah.....	X		X
Vermont.....	X		
Virginia.....	X		
Washington.....	X		
West Virginia.....	X		
Wisconsin.....	X		

Source: American Paper Institute; Richard Keller, Northeast Maryland Waste Disposal Authority; and E.H. Pechan & Associates.

[FR Doc. 91-10610 Filed 5-3-91; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6856

[OR-943-4214-10; GP1-059; OR-10898]

Withdrawal of National Forest System Lands for the Abbott Creek Research Natural Area, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 2,760.94 acres of National Forest System land in the Rogue River National Forest from mining for a period of 20 years for use

by the Forest Service for the Abbott Creek Research Natural Area. The land has been and will remain open to such forms of disposition as may by law be made of National Forest System land and to mineral leasing.

EFFECTIVE DATE: May 6, 1991.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-280-7171.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System land is hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. ch. 2), but not from leasing under the mineral leasing laws, to protect the U.S. Forest Service's research natural area:

Willamette Meridian

Rogue River National Forest

T. 30 S., R. 2 E.,

Sec. 23, that portion of the E½ located southerly of the divide between the Rogue River and Umpqua National Forests;

Sec. 24, that portion of said section located southerly of the divide between the Rogue River and Umpqua National Forests;

Sec. 25, N¼, N¼SW¼, N¼SW¼SW¼, SE¼SW¼SW¼, SE¼SW¼, and SE¼;

Sec. 26, N¼NE¼, N¼SE¼NE¼, and SE¼SE¼NE¼;

Sec. 36, lot 4, E½ of lot 3, E¼NE¼, N¼NW¼NE¼, SE¼NW¼NE¼, E¼SW¼NE¼, NE¼SE¼, and E¼NW¼SE¼.

T. 30 S., R. 3 E.,

Sec. 19, lots 3, 5, 6, 7, and 8, NW¼SE¼ SW¼, S¼SE¼SW¼, that portion of lot 2 located southerly of the divide between the Rogue River and Umpqua National Forests, and the W½ of lot 4;

Sec. 30, lots 1 to 8, inclusive, SW¼NW¼ NE¼, W¼SW¼NE¼, E¼W¼, and W¼W¼SE¼;

Sec. 31, lots 1 to 10, inclusive, W¼W¼ NE¼, E¼NW¼, NE¼SW¼, and NW¼SE¼.

The area described contains approximately 2,760.94 acres in Douglas and Jackson Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of National Forest System land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review

conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: April 26, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-10620 Filed 5-3-91; 8:45 am]

BILLING CODE 4310-33-M

43 CFR Public Land Order 6857

[OR-943-4214-10; GP1-027; OR-10887]

Withdrawal of National Forest System Lands for the Squaw Lakes Recreation Area, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 540 acres of National Forest System lands in the Rogue River National Forest from mining for a period of 20 years for use

by the Forest Service for the Squaw Lakes Recreation Area. The lands have been and remain open to such forms of disposition as may by law be made of National Forest System lands and to mineral leasing.

EFFECTIVE DATE: May 6, 1991.

FOR FURTHER INFORMATION CONTACT:

Linda Sullivan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-280-7171.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System lands are hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. ch. 2), but not from leasing under the mineral leasing laws, to protect the Forest Service's recreation area:

Willamette Meridian

Rogue River National Forest

T. 40 S., R. 3 W.,

Sec. 35, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$.

T. 41 S., R. 3 W.,

Sec. 1, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$.

The areas described aggregate 540 acres in Jackson County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of National Forest System lands under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: April 26, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-10619 Filed 5-3-91; 8:45 am]

BILLING CODE 4310-33-M

Proposed Rules

Federal Register

Vol. 56, No. 87

Monday, May 6, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

RIN 3206-AE48

Federal Employees Health Benefits Negotiations for Changes in Benefits and Rates; Nonrenewal of Contracts

AGENCY: U.S. Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is clarifying the Federal Employees Health Benefits (FEHB) regulations on benefit and rate negotiations and the nonrenewal of contracts at the end of a contract term. This clarification is necessary to address situations where negotiations break down and either party decides not to renew an existing health benefits contract by issuing a notice of termination at the end of a contract term.

DATES: Comments must be received on or before July 5, 1991.

ADDRESSES: Written comments may be sent to Andrea Minniear Farran, Assistant Director for Retirement and Insurance Policy, Retirement and Insurance Group, Office of Personnel Management, P.O. Box 57, Washington, DC 20044, or delivered to OPM, room 4351, 1900 E Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Abby Block, (202) 606-0775, ext. 207.

SUPPLEMENTARY INFORMATION: Section 890.203 of title 5 of the Code of Federal Regulations addresses the application for approval of, and proposals for amendments to, health benefit plans. Section 890.203(b) sets forth the process for negotiating changes in existing rates and benefits for approved plans, prior to the expiration of the current contract period. These proposed regulations clarify the process where OPM and a health benefits plan carrier cannot reach agreement during

these negotiations, and either party notifies the other party that it does not intend to renew the contract at the end of the existing contract period. A new section, § 890.205, further clarifies these procedures.

Existing regulations do not address specifically the situation where OPM and a health benefits plan carrier are unable to agree on changes in benefits and/or rates. That situation may result in either OPM or the carrier exercising its discretion not to renew the contract by the issuance of a notice of termination of the contract, as provided for in 5 U.S.C. 8902(a) and 8902(i). Existing regulations do not address fully the procedure for such issuance of a notice of intent not to renew at the end of a contract period. Neither the FEHB statute nor the existing regulations require or contemplate a hearing-type procedure to review a decision not to renew a contract. The proposed regulations clarify the process for notification of intent not to renew a contract by issuance of a notice of intent and the process of administrative review of that decision.

To reflect a more realistic time frame, OPM is changing the date by which OPM seeks to complete negotiations from "no later than 3 months prior to the start of the new contract period" to "no later than 4 months prior to the start of the new contract period."

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect the administrative procedures used by OPM and FEHB plans.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Life insurance, Health insurance.

U.S. Office of Personnel Management.

Constance Berry Newman,
Director.

Accordingly, OPM proposes to amend 5 CFR part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; § 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4089c-1; subpart L also issued under sec. 599C of Pub. L. 101-513, 104 Stat. 2064.

2. Section 890.203 is amended by revising the current last sentence of paragraph (b) and adding a new last sentence to read as follows:

§ 890.203 Application for approval of, and proposal of amendments to, health benefits plans.

(b) * * * The negotiation period shall begin approximately 7 months before the expiration of the current contract period, and OPM shall seek to complete all benefit and rate negotiations no later than 4 months preceding the contract period to which they will apply. If OPM and the carrier do not reach agreement by this date, either party may give written notice of nonrenewal in accordance with § 890.205 of this part.

3. Section 890.205 is added to read as follows:

§ 890.205 Nonrenewal of contracts of health benefits plans.

(a) Either OPM or the carrier may terminate a contract by giving written notice of nonrenewal.

(b) Where termination by notice of intent not to renew is made by OPM, the carrier contesting that notice may request that OPM review the proposed decision. Such review shall be conducted by the Director or his or her designee. A request for such review, which may include a request that a representative of the carrier appear personally before OPM, shall be in writing. That request must be received within 10 calendar days of the carrier's receipt of the notice of intent not to renew. Such request shall include a detailed statement as to why the carrier disagrees with OPM's notice of nonrenewal and shall be accompanied by appropriate supporting documentation. Where a carrier has requested review under this section, the final decision by OPM not to renew under this section, the final decision by OPM not to renew a health benefits contract shall be communicated to the carrier in writing not more than 30 days

after OPM's receipt of the carrier's request for review, unless a later date is mutually agreed upon.

(c) In the absence of a timely request for review as set forth in paragraph (b) of this section, OPM's notice of intent not to renew will become final without further notification.

[FR Doc. 91-10636 Filed 5-3-91; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1427

Cotton

AGENCY: Commodity Credit Corporation.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation (CCC) is proposing to amend the regulations at 7 CFR part 1427 with respect to the price support program for cotton which is conducted by the CCC in accordance with The Agricultural Act of 1949, as amended (the 1949 Act). This rule is necessary in order to implement the changes made by section 103B by the Food Agriculture, Conservation and Trade Act of 1990 (the 1990 Act). Generally, the amendment proposed by this rule specify the manner in which producers may participate in CCC price support program for cotton and the term and conditions of CCC price support program for cotton.

DATES: Comments must be received on or before June 5, 1991 in order to be assured of consideration.

ADDRESSES: Submit comments to Director, Grain and Rice Price Support Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Philip Sharp, Program Specialist, Cotton, Grain, and Rice Support Division (CGRD), Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA) P.O. Box 2415, Washington, DC 20013, telephone (202) 447-7988.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under United States Department of Agriculture (USDA) procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512-1 and it has been determined to be "non-major" because this program will not result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries,

Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the federal assistance program, as found in the catalogue or Federal Domestic Assistance, to which this notice applies is Commodity Loans and Purchases, 10.051.

It has been determined that the Regulatory Flexibility Act is not applicable because CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rule making with respect to the subject matter of these determinations.

It has been determined by environmental evaluations for cotton price support program that this program will have no significant impact on the quality of the human environment.

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, and 48 FR 29115 (June 24, 1983).

Public reporting burden for the information collections contained in this regulation with respect to price support program for cotton is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information collection has previously been cleared by OMB, assigned number 0560-0087.

Background

The 1949 Act sets forth the statutory authority for CCC price support programs. CCC price support programs are intended to stabilize market prices, provide interim financing and assistance to producer in the orderly marketing of eligible commodities. This proposed rule would amend 7 CFR part 1427 to provide rules for administering the 1991 through 1995 CCC cotton price support program. The major proposed revisions from the regulations which were applicable to the 1990 cotton program are as follows:

This proposed rule would amend § 1427.4(g) to allow persons with an interest in storing, processing, or merchandising any commodity to act as an agent for a producer if that person is delegated authority which is restricted specifically to repaying outstanding loan amounts plus interest and charges, and

the delegation is on file at the county office.

This proposed rule would amend § 1427.5(b) to provide that upland cotton must be graded by Agricultural Marketing Service (AMS) using a High Volume Instrument (HVI) to be pledged as collateral for CCC price support and have a strength reading of more than 18 grams per tex, in whole grams, to be eligible for CCC price support.

Under the 1990 cotton price support program, CCC allowed producers who had cotton pledged as collateral for CCC price support loans to sell an equity interest in this cotton to third parties by filing CCC Form 813 with CCC. This form gave the third party the right (and obligation if filed with CCC) to repay the producer's cotton price support loan prior to the maturity date. A bankruptcy court recently held that a holder of a filed CCC Form 813 had an equitable interest in cotton which had been placed under loan to CCC even after the maturity date of the loan. Such a determination is not consistent with the intent of the cotton loan program. Therefore, in order to ensure that the statutory provisions which authorize the cotton price support program are accomplished; protect CCC's interest in cotton pledged as collateral for price support loans; remove any ambiguity regarding the rights of any such party to redeem a producer's CCC price support loan collateral; and to be consistent with other price support program provisions, this proposed rule would amend § 1427.5(c)(2) to provide that a producer shall not be considered to have divested beneficial interest in a commodity if the producer executes an option to purchase contract with a buyer, with or without an advance payment by the buyer, with respect to cotton under loan, if the option to purchase contract provides that the title, risk of loss, and beneficial interest in the cotton remains with the producer until the buyer exercises the option to purchase, and if such option to purchase expires in the event CCC claims title to the cotton.

This proposed rule would amend § 1427.19(c) to provide a producer may repay a loan amount for upland at a level that is the lesser of the loan level and charges, plus accrued interests or the higher of the loan multiplied by 70 percent of the adjusted world price.

This proposed rule would amend § 1427.19(f) to provide if a upland cotton loan has been extended and is repaid in accordance with § 1427.19(c), the repayment amount shall include interest that has accrued on the cotton loan in accordance with § 1427.7(b)(2).

This proposed rule would amend § 1427.23 to provide that loan deficiency payments will be available for the quantity of upland cotton that is legible to be pledged as collateral for a price support loan.

The proposed rule would add § 1427.25(d)(2) to specify the formula to be used in repayment cotton loans. Currently the same formula is set forth in 7 CFR part 26. Placing the formula in part 1427 will result in placing all CCC cotton price support programs on one location.

List of Subjects in 7 CFR Part 1427

Cotton, Incorporation by reference, Loan programs/agriculture, Price support programs, Warehouses.

Accordingly, 7 CFR part 1427 is proposed to be amended by revising Subpart—Cotton Loan Program Regulations (§§ 1427.1—1427.26) and Subpart—Seed Cotton Loan Program Regulations (§§ 1427.160—1427.176) as follows:

PART 1427—COTTON

The authority citation continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1444, and 1444-2; 15 U.S.C. 714b and 714c.

Subpart—Cotton Loan Program Regulations

Sec.	
1427.1	Applicability.
1427.2	Administration.
1427.3	Definitions.
1427.4	Eligible producer.
1427.5	General eligibility requirements.
1427.6	Disbursement of price support loans.
1427.7	Maturity of loans.
1427.8	Amount of loan.
1427.9	Classification of cotton.
1427.10	Approved storage.
1427.11	Warehouse receipt and insurance.
1427.12	Liens.
1427.13	Fees, charges and interest.
1427.14	Offsets.
1427.15	Special procedure where note amount advanced.
1427.16	Reconcentration of cotton.
1427.17	Custodial offices.
1427.18	Liability of the producer.
1427.19	Repayment of price support loans.
1427.20	Handling payments and collections not exceeding \$9.99.
1427.21	Settlement.
1427.22	Death, incompetency, or disappearance.
1427.23	Cotton loan deficiency payments.
1427.24	Recourse loans.
1427.25	Determination of the prevailing world market price and the adjusted world price for upland cotton.
1427.26	Paperwork Reduction Act assigned numbers.

Subpart—Seed Cotton Loan Program Regulations

Sec.	
1427.160	General statement.
1427.161	Administration.
1427.162	Definitions.
1427.163	Disbursement of loans.
1427.164	Eligible producer.
1427.165	Eligible seed cotton.
1427.166	Insurance.
1427.167	Liens.
1427.168	Offsets.
1427.169	Fees, charges and interest.
1427.170	Quantity for loan.
1427.171	Approved storage.
1427.172	Settlement.
1427.173	Foreclosure.
1427.174	Maturity of loans.
1427.175	Restrictions in use of agents.
1427.176	Fraud and unlawful disposition.

Subpart—Cotton Loan Program Regulations

§ 1427.1 Applicability.

(a) The regulations of this subpart are applicable to the 1991 and subsequent crops of upland cotton and extra long staple (ELS) cotton. These regulations set forth the terms and conditions under which price support loans and, for upland cotton, loan deficiency payments shall be made available by the Commodity Credit Corporation ("CCC"). Additional terms and conditions are set forth in the note and security agreement and loan deficiency payment application which must be executed by a producer in order to receive such price support loans and loan deficiency payments.

(b) The following are available in State and county Agricultural Stabilization and Conservation Service ("ASCS") offices ("State and county offices," respectively):

- (1) Price support rates,
- (2) For upland cotton, the schedules of premiums and discounts for:
 - (i) Grade and staple,
 - (ii) Micronaire, and
 - (iii) Strength.
- (2) For ELS cotton, the schedules of:
 - (i) Loan rates, and
 - (ii) Discounts for micronaire.
- (3) Loan service and related fees, and
- (4) Forms which are used in administering the price support and loan deficiency payment programs for a crop of cotton. The forms for use in connection with the programs in this part shall be prescribed by CCC.

(c) Price support loans and loan deficiency payments shall not be available with respect to any commodity produced on land owned or otherwise in the possession of the United States if such land is occupied without the consent of the United States.

§ 1427.2 Administration.

(a) The price support and loan deficiency payment programs which are applicable to a crop of cotton shall be administered under the general supervision of the Executive Vice President, CCC, or a designee, or Administrator, ASCS, and shall be carried out in the field by State and county Agricultural Stabilization and Conservation committees ("State and county committees," respectively).

(b) State and county committees, and representatives and employees thereof, do not have the authority to modify or waive any of the provisions of the regulations of this part.

(c) The State committee shall take any action required by these regulations which has not been taken by the county committee. The State committee shall also:

(1) Correct, or require a county committee to correct, an action taken by such county committee which is not in accordance with the regulations of this part; or

(2) Require a county committee to withhold taking any action which is not in accordance with the regulations of this part.

(d) No provision of delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or a designee, or the Administrator, ASCS, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by the State or county committee.

(e) The Deputy Administrator, State and County Operations, ASCS, may authorize State or county committees to waive or modify deadlines and other program requirements in cases where lateness or failure to meet such other requirements does not affect adversely the operation of the price support program.

(f) A representative of CCC may execute price support loans and loan deficiency payment applications and related documents only under the terms and conditions determined and announced by CCC. Any such document which is not executed in accordance with such terms and conditions, including any purported execution prior to the date authorized by CCC, shall be null and void.

§ 1427.3 Definitions.

The definitions set forth in this section shall be applicable for all purposes of program administration. The terms defined in part 719 of this title and part 1413 of this chapter shall also be applicable.

Authorized loan servicing agent (LSA) means a legal entity that enters into a written agreement with CCC to act as a loan servicing agent for CCC in making and servicing Form A cotton loans. The authorized LSA may perform, on behalf of CCC, only those services which are specifically prescribed by CCC including but not limited to the following:

- (1) Preparing and executing loan documents;
- (2) Disbursing loan proceeds;
- (3) Handling the extension of loans as authorized by CCC;
- (4) Accepting cotton loan repayments;
- (5) Handling documents involved with forfeiture of cotton loan collateral to CCC; and
- (6) Providing loan and accounting data to CCC for statistical purposes.

Charges means all fees, costs, and expenses incurred in insuring, carrying, handling, storing, conditioning, and marketing the cotton tendered to CCC for price support. Charges also include any other expenses incurred by CCC in protecting CCC's or the producer's interest in such cotton.

Cotton means, as defined in part 1413 of this chapter, upland cotton and ELS cotton as applicable, produced in the United States.

Financial institution means:

- (1) A bank in the United States which accepts demand deposits; and
- (2) An association organized pursuant to Federal or State law and supervised by Federal or State banking authorities.

Forms A loans means a loan executed on Form CCC—Cotton A, Cotton Producer's Note and Security Agreement.

Form G loans mean a cotton loan to an approved marketing cooperative on eligible cotton delivered to a cooperative by eligible members of the cooperative executed on Form CCC—Cotton G, Cotton Cooperative Loan Agreement.

Lint cotton means cotton which has passed through the ginning process.

Loan clerk means a person approved by CCC to assist producers in preparing Form A loan documents.

Seed cotton means cotton which has not passed through the ginning process.

Servicing agent bank means the bank designated as the financial institution for a cooperative marketing association approved in accordance with part 1425 of this chapter, which has been approved by CCC.

§ 1427.4 Eligible producer.

(a) An eligible producer of a crop of cotton shall be a person (i.e., an individual, partnership, association, corporation, estate, trust, State or

political subdivision or agency thereof, or other legal entity) which:

(1) Produces such a crop of cotton as a landowner, landlord, tenant, or sharecropper;

(2) Meets the requirements of this part; and

(3) Meets the requirements of parts 12, 718 of this title, and part 1413 of this chapter.

(b) A receiver or trustee of an insolvent or bankrupt debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate of a ward or an incompetent person, and trustees of a trust estate shall be considered to represent the insolvent or bankrupt debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person or estate represented by the executor or administrator. Loan and loan deficiency payment documents executed by any such person will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) A minor who is otherwise an eligible producer shall be eligible to receive price support and loan deficiency payments only if the minor meets one of the following requirements:

(1) The right of majority has been conferred on the minor by court proceedings or by statute;

(2) A guardian has been appointed to manage the minor's property and the applicable price support documents are signed by the guardian;

(3) Any note and security agreement signed by the minor is cosigned by a person determined by the county committee to be financially responsible; or

(4) A bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had the minor been an adult.

(d) Two or more producers may obtain a single joint loan with respect to cotton which is stored in an approved warehouse if the warehouse receipt which is pledged as collateral for the loan is issued jointly to such producers. The cotton in a bale may have been produced by two or more eligible producers on one or more farms if the bale is not a repacked bale.

(e) Loans may be made to a warehouseman who, in the capacity of a producer, tenders to CCC warehouse receipts issued by such warehouseman on cotton produced by such warehouseman only in those States

where the issuance and pledge of such warehouse receipts are valid under State law.

(f) A cooperative marketing association which has been approved in accordance with part 1425 of this chapter may obtain price support on the eligible production of such cotton or loan deficiency payments with respect to such cotton on behalf of the members of the cooperative who are eligible to receive price support loans or loan deficiency payments with respect to a crop of cotton. For purposes of this subpart, the term "producer" includes an approved cooperative marketing association.

(g) A producer shall not delegate to any person, or the person's representative, who has any interest in storing, processing, or merchandising any commodity which is otherwise eligible for price support or a loan deficiency payment under a program to which this section is applicable, authority to exercise on the behalf of the producer any of the producer's rights or privileges under such program, including the authority to execute any note and security agreement or other price support document, unless the person (or the person's representative) to whom authority is delegated, is serving in the capacity of a farm manager for the producer or unless the authority delegated is restricted specifically for the purpose of repaying the loan amount and charges plus interest or, for the purpose of extending the loan or, for the purpose of obtaining loan deficiency payments, and such delegation is filed through the execution of Form ASCS-211, Power of Attorney, or other form as approved by CCC, with the county office and accepted by CCC.

§ 1427.5 General eligibility requirements.

(a) In order to receive price support for a crop of cotton, a producer must execute a note and security agreement or loan deficiency payment application on or before May 31 of the year following the year in which such crop is normally harvested. A Form A loan must be signed by the producer or the producer's agent and mailed or delivered to the county office or an authorized LSA within 15 days after the producer signs the Form A loan and within the period of loan availability.

(1) A producer, except for a cooperative, must request price support and loan deficiency payments:

(i) At the county office which, in accordance with part 719 of this title, is responsible for administering programs for the farm on which the cotton was produced, or

(ii) From an authorized LSA.

(2) An authorized agent which has an agreement with CCC and which is designated by the producer to obtain a loan or loan deficiency payment on behalf of such producers may obtain such loans through a central county office designated by CCC.

(3) An approved cooperative marketing association must request loans and loan deficiency payments:

(i) At a servicing agent bank approved by CCC, or

(ii) At the county office for the county in which the principal office of the cooperative is located unless the State committee designates some other county office as the office where such association must request price support.

(b)(1) Cotton must be tendered to CCC by an eligible producer and must:

(i) Be in existence and in good condition at the time of disbursement of loan or loan deficiency payment proceeds;

(ii) For ELS cotton, be a grade and staple length specified in the schedule of loan rates for ELS cotton.

(iii) For upland cotton, be a grade, staple length, micronaire, and strength specified in:

(A) The schedule of premiums and discounts for grade and staple,

(B) The schedule of strength premiums and discounts, and

(C) The schedule of micronaire premiums and discounts.

(iv) Be represented by a warehouse receipt meeting the requirements of § 1427.11;

(v) Not be false-packed, water-packed, mixed-packed, reginned, or repacked and:

(A) Upland cotton must not:

(1) Have been reduced more than two grades because of preparation; and

(2) Have a strength reading of 18 grams per tex, rounded to whole grams, or below.

(B) ELS cotton must:

(1) Have been ginned on a roller gin,

(2) Must have been produced in a county designated as suitable for the production of such cotton,

(3) Must not have a micronaire reading of 2.8 or less, and

(4) Must not have been reduced in grade for any reason;

(vi) Not be compressed to universal density where side pressure has been applied or to high density at a warehouse;

(vii) Not have been sold, nor any sales option on such cotton granted, to a buyer under a contract which provides that the buyer may direct the producer to pledge the cotton to CCC as collateral for a price support loan or to obtain a loan deficiency payment; and

(viii) Not have been previously sold and repurchased; or pledged as collateral for a CCC price support loan and redeemed except as provided in § 1427.172(b) (3) or (4).

(ix) For upland cotton, have been graded by Agricultural Marketing Service (AMS) using a High Volume Instrument (HVI).

(2) Each bale of cotton must:

(i) Weigh not less than 325 pounds net weight;

(ii) If compressed to standard or higher density either at warehouse or at a gin, have not less than eight bands;

(iii) Be packaged in materials which meet specifications adopted and published by the Joint Cotton Industry Bale Packaging Committee (JCIBPC), sponsored by the National Cotton Council of America, for bale coverings and bale ties which are identified and approved by the JCIBPC as experimental packaging materials. Heads of bales must be completely covered.

(A) Copies of the June 1990

Specifications for Cotton Bale Packaging Materials published by the JCIBPC which are incorporated by reference are available upon request at the county office and at the following address: Joint Cotton Industry Bale Packaging Committee, National Cotton Council of America, P.O. Box 12285, Memphis, Tennessee 38112.

(B) Information with respect to experimental packaging material may be obtained from JCIBPC.

(C) This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a);

(iv) Be ginned by a ginner:

(A) Who has entered the tare weight of the bale (bagging and ties used to wrap the bale) on the gin bale tag, and

(B) Who has entered into CCC-809, Cooperating Ginners' Bagging and Bale Ties Certification and Agreement, or certified that the bale is wrapped with bagging and bale ties meeting the requirements of paragraph (b)(2)(iii) of this section.

(c)(1) To be eligible to receive price support, a producer must have the beneficial interest in the cotton which is tendered to CCC for a loan or loan deficiency payment. The producer must always have had the beneficial interest in the cotton unless, before the cotton was harvested, the producer and a former producer whom the producer tendering the cotton to CCC has succeeded had such an interest in the cotton. Cotton obtained by gift or purchase shall not be eligible to be tendered to CCC for price support. Heirs who succeed to the beneficial interest of a deceased producer or who assume the

decendent's obligations under an existing loan shall be eligible to receive price support whether succession to the cotton occurs before or after harvest as long as the heir otherwise complies with the provisions of this part.

(2) A producer shall not be considered to have divested the beneficial interest in the commodity if the producer retains control of the commodity, including the right to make all decisions regarding the tender of the cotton to CCC for price support, and:

(i) Executes an option to purchase whether or not an advance payment is made by the potential buyer with respect to such cotton if the option to purchase contains the following provision:

Notwithstanding any other provision of this option to purchase, title, risk of loss, and beneficial interest in the commodity, as specified in 7 CFR part 1427, shall remain with the producer until the buyer exercises this option to purchase the commodity. This option to purchase shall expire, notwithstanding any action or inaction by either the producer or the buyer, at the earlier of: (1) The maturity of any Commodity Credit Corporation price support loan which is secured by such commodity; (2) the date the Commodity Credit Corporation claims title to such commodity; or (3) such other date as provided in this option; or

(ii) Enters into a contract to sell the cotton if the producer retains title, risk of loss, and beneficial interest in the commodity and the purchaser does not pay to the producer any advance payment amount or any incentive payment amount to enter into such contract except as provided in part 1425 of this chapter.

(3) If price support is made available to producers through an approved marketing cooperative in accordance with part 1425 of this chapter, the beneficial interest in the cotton must always have been in the producer-member who delivered the cotton to the cooperative or its member cooperative, except as otherwise provided in this subsection. Cotton delivered to such a cooperative shall not be eligible to receive price support if the producer-member who delivered the cotton does not retain the right to share in the proceeds from the marketing of the cotton as provided in part 1425 of this chapter.

(d) If the person tendering cotton for a loan is a landowner, landlord, tenant, or sharecropper, such cotton must represent such persons' separate share of the crop and must not have been acquired by such person directly or indirectly from a landowner, landlord, tenant, or sharecropper or have been

received in payment of fixed or standing rent.

(e) Each bale of upland cotton sampled by the warehouseman upon initial receipt which has not been sampled by the ginner must now show more than one sample hole on each side of the bale. If more than one sample is desired when the bale is received by the warehouseman, the sample shall be cut across the width of the bale, broken in half or split lengthwise, and otherwise drawn in accordance with AMS dimension and weight requirements. This requirement will not prohibit sampling of the cotton at a later date if authorized by the producer.

(f) The quantity of cotton for which a loan deficiency payment has been made is not eligible to be pledged for a price support loan.

§ 1427.6 Disbursement of price support loans.

(a)(1) Disbursement of loans to individual producers may be made by:

- (i) County offices,
- (ii) Authorized LSA's, or by
- (iii) Central county offices designated by CCC to provide centralized service to a person or firm which has been designated as a producer's agent and which has entered into a written agreement with CCC.

(2) Loan proceeds may be disbursed by approved servicing agent banks to approved cooperative marketing associations.

(3) The loan and loan deficiency payment documents shall not be presented for disbursement unless the commodity covered by the mortgage or pledge of security is eligible, in existence, in approved storage, and in good condition. If the commodity was not either an eligible commodity, in existence and in good condition at the time of disbursement, the total amount disbursed under the loan, and charges plus interest shall be refunded promptly.

§ 1427.7 Maturity of loans.

(a) Form A cotton loans and Form G loans to cotton cooperative marketing associations, mature on demand by CCC and no later than the last day of the 10th calendar month from the first day of the month in which the loan or loan advance is disbursed, except that

(1) Upland cotton loans may, at the producer's request, be extended for an additional eight months during the 10th month of the initial loan provided the average spot market price for the base quality of cotton as determined by CCC during the ninth month of the loan did not exceed 130 percent of the average spot market price for such base quality of cotton for the preceding 36 months.

(2) If authorized by CCC, ELS cotton loans may, at the producer's request, be extended for an additional eight months during the tenth month of the initial loan.

(3) CCC may, by public announcement, extend the time for repayment of the loan indebtedness or carry the loan in a past due status.

(4) CCC may at any time accelerate the loan maturity date by providing the producer notice of such acceleration at least 15 days in advance of the accelerated maturity date.

(b) If a producer's upland cotton price support loan is extended for 8 months in accordance with paragraph (a)(2) of this section and the loan collateral is:

(1) Thereafter forfeited to CCC, the producer shall pay to CCC:

(i) All storage costs associated with the storage of the forfeited cotton, beginning with the first month of such extension; and

(ii) A handling fee of \$1.00 per bale.

(2) Thereafter redeemed by repayment to CCC, the producer shall pay to CCC an amount which shall include interest that has accrued with respect to such collateral, beginning with the first month of such extension.

(c) If the loan is not repaid by the maturity date of the loan, title to the cotton shall vest in CCC the day after such maturity date and CCC shall have no obligation to pay for any market value which such cotton may have in excess of the amount of the loan, plus interest and charges.

§ 1427.8 Amount of loan.

(a) The quantity of cotton which may be pledged as collateral for a loan shall be the net weight of the eligible cotton as shown on the warehouse receipt issued by an approved warehouse, except that in the case of a bale which has a net weight of more than 600 pounds, the weight to be used in determining the amount of the loan on the bale shall be 600 pounds. Cotton pledged as collateral for loans on the basis of reweights will not be accepted by CCC.

(b) The amount of the loan for each bale will be determined by multiplying the net weight of the bale, as determined under paragraph (a) of this section, by the applicable loan rate and subtracting:

(1) Any unpaid warehouse receiving charges,

(2) Any warehouse storage charges in excess of 60 days as of the date of tender to CCC, as provided in § 1427.11(g), and

(3) Any unpaid charge for furnishing new bale ties as prescribed in § 1427.11(g).

(c) CCC will not increase the amount of the loan made with respect to any bale of cotton as a result of a redetermination of the quantity or quality of the bale after it is tendered to CCC, except that if it is established to the satisfaction of CCC that a bona fide error was made with respect to the weight of the bale or the classification for the bale as specified on the AMS Form A-1, such error may be corrected.

§ 1427.9 Classification of cotton.

References made to "classification" in this subpart shall include micronaire, and for upland cotton, strength, readings. All cotton tendered for loan must be classed by an AMS Cotton Classing Office ("Cotton Classing Office") and tendered on the basis of such classification.

(a) An AMS Cotton Classification Memorandum Form 1 ("AMS Form 1") showing the classification of a bale must be based upon a representative sample drawn from the bale in accordance with instructions to samplers drawing samples under the Smith-Doxey program.

(b) If the producer's cotton has not been sampled for an AMS Form 1 classification, the warehouse shall sample such cotton and forward the samples to the Cotton Classing Office serving the district in which the cotton is located. Such warehouse must be licensed by AMS to draw samples for submission to the Cotton Classing Office.

(c) If a sample has been submitted for classification, another sample shall not be drawn and forwarded to a Cotton Classing Office except for a review classification. Review classifications are recorded on AMS Form 1, Review Memorandum ("AMS Form 1 Review").

(d) Where review classification is not involved, if through error or otherwise, two or more samples from the same bale are submitted for classification, the loan rate shall be based on the classification having the lower loan value.

(e) The classification on AMS Form 1 or AMS Form 1 Review must be dated not more than 15 days prior to the date the warehouse receipt was issued; however, State committees may, in arid regions, extend this period to not to exceed 30 days prior to the date the warehouse receipt was issued upon determining that such extension will not result in reduction in the grade of the cotton during the extension period, otherwise a new sample must be drawn and a review classification based on the new sample will be required.

(f) If an AMS Form 1 Review classification is obtained, the loan value

of the cotton represented thereby will be based on such review classification.

§ 1427.10 Approved storage.

(a) Except as provided in accordance with § 1427.16, eligible cotton may be pledged as collateral for loans only if stored at warehouses approved by CCC.

(1) Persons desiring approval of their facilities should communicate with the Kansas City Commodity Office, P.O. Box 419205, Kansas City, Missouri 64141-6205.

(2) The names of approved warehouses may be obtained from the Kansas City Commodity Office or from State or county offices.

(b) When the operator of a warehouse receives notice from CCC that a loan has been made by CCC on a bale of cotton, the operator shall, if such cotton is not stored within the warehouse, promptly place such cotton within such warehouse.

(c) Storage charges paid by a producer to CCC as security for a loan will not be refunded by CCC. If cotton is redeemed from the loan, the person removing the cotton from storage shall pay all unpaid warehouse charges at the established tariff rate.

(d) The approved storage requirements provided in this section may be waived by CCC if the producer requests a loan deficiency payment pursuant to the loan deficiency payment provisions contained in § 1427.29.

§ 1427.11 Warehouse receipt and insurance.

(a) Producers may obtain loans on eligible cotton represented by warehouse receipts only if the warehouse receipts:

(1) Are negotiable machine cardtype warehouse receipts,

(2) Are issued by CCC approved warehouses,

(3) Provide for delivery of the cotton to bearer or are properly assigned by endorsement in blank, so as to vest title in the holder of the receipt, and

(4) Otherwise are acceptable to CCC.

(b) The warehouse receipt must:

(1) Contain the tag number (warehouse receipt number),

(2) Show that the cotton is covered by fire insurance, and

(3) Be dated on or prior to the date the producer signs the note and security agreement.

(c) If a bale is stored at the origin warehouse (the warehouse to which the bale was first delivered for storage after ginning), the warehouse receipt must contain the gin bale number. If a bale has been moved from the origin warehouse, the warehouse receipt shall, in lieu of the gin bale number, contain

the tag number and identification of the origin warehouse.

(d) Open yard endorsement, if any, on the warehouse receipt must have been rescinded with the legend "open yard disclaimer deleted" with appropriate signature of the authorized representative of the warehouse.

(e) Block warehouse receipts will be accepted with authorized by CCC only under the following conditions:

(1) The owner of the warehouse issuing the block warehouse receipt shall also own the cotton represented by the block warehouse receipt, and

(2) The warehouse shall not be licensed under the U.S. Warehouse Act.

(f) Each receipt must set out in its written or printed terms the tare and the net weight of the bale represented thereby.

(1) The net weight shown on the warehouse receipt shall be the difference between the gross weight as determined by the warehouse at the warehouse site and the tare weight, except that the warehouse receipt may show the net weight established at a gin:

(i) In case the gin is in the immediate vicinity of the warehouse and is operated under common ownership with such warehouse or in any other case in which the showing of gin weights on the warehouse receipts is approved by CCC, and

(ii) If the showing of gin weights on the warehouse receipts is permitted by the licensing authority for the warehouse.

(2) The tare shown on the receipt shall be the tare furnished to the warehouse by the ginner or entered by the ginner on the gin bale tag. A warehouse receipt reflecting an alteration in tare or net weight will not be accepted by CCC unless it bears, on the face of the receipt, the following legend or similar wording approved by CCC, duly executed by the warehouse or an authorized representative of the warehouse:

Corrected (tare or net) weight
(Name of warehouse)
by (Signature)
Date

(3) Alterations in other inserted data on the receipt must be initialed by an authorized representative of the warehouse.

(g) If warehouse storage charges have been paid, the receipt must be stamped or otherwise noted to show that date through which the storage charges have been paid.

(1) For receipts showing accrued storage charges in excess of 60 days as of the date of tender to CCC, the loan amount will be reduced for each month

of unpaid storage or fraction thereof in excess of 60 days by the monthly storage charge specified in the storage agreement between the warehouse and CCC.

(2) If warehouse receiving charges have been paid or waived, the receipt must be stamped or otherwise noted to show such fact.

(3) If the receipt does not show that receiving charges have been paid or waived, CCC shall reduce the loan amount the amount of the receiving charges specified in the storage agreement between the warehouse and CCC. However, except for bales stored in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, if receiving charges due on the bale include a charge, if any, for a new set of ties for compressing flat bales tied with ties which cannot be reused, the warehouse receipt must show such receiving charges and state: "Receiving charges due include charge for new set of ties, or similar notation, and CCC shall reduce the loan amount by the amount of the receiving charges shown on the warehouse receipt (this will be the amount payable by CCC if it pays for receiving, notwithstanding the provisions of the storage agreement)".

(4) In any case where the loan amount is reduced by unpaid storage or receiving charges, such charges will be paid to the warehouse by CCC after loan maturity if the cotton is not redeemed from the loan, or as soon as practicable after the cotton is ordered shipped by CCC or destroyed by fire while in loan status. Except for bales stored in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, or Virginia, if the bale is stored at a warehouse which does not have compress facilities or arrangements, and if the bale ties are not suitable for reuse when the bale is compressed, the warehouse receipt must show this fact, and the loan amount will be reduced by the charge which will be assessed by the nearest compress in line of transit for furnishing new bale ties.

(h) If the bale was received by rail, the receipt must be stamped or otherwise noted to show such fact.

(i) The warehouse receipt must show the compression status of the bale, i.e., flat, modified flat, standard, gin standard, gin universal, or warehouse universal density. If the compression charge has been paid, or if the warehouse claims no lien for such compression, the receipt must be stamped or otherwise noted to show such fact.

§ 1427.12 Liens.

If there are any liens or encumbrances on the commodity, waivers that fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan proceeds. No additional liens or encumbrances shall be placed on the commodity after the loan is approved.

§ 1427.13 Fees, charges and interest.

(a) A producer shall pay a nonrefundable loan service fee to CCC or, if applicable, to an authorized LSA, at a rate determined by CCC. Any such fee shall be in addition to any loan clerk fee paid to a loan clerk in accordance with paragraph (b) of this section. The amount of such fees is available in State and county offices and are shown on the note and security agreement.

(b) Loan clerks may only charge fees for the preparation of loan documents at the rate determined by CCC.

(1) Such fees may be deducted from the loan proceeds instead of the fees being paid in cash.

(2) The amount of such fees is available in State and county offices and are shown on the note and security agreement.

(c) Interest which accrues with respect to a loan shall be determined in accordance with part 1405 of this chapter. All or a portion of such interest may be waived with respect to a quantity of cotton which has been redeemed in accordance with § 1427.19 at a level which is less than the principal amount of the loan plus charges and interest.

(d) For each crop of upland cotton, the producer, as defined in the Cotton Research and Promotion Act (7 U.S.C. 2101), shall remit to CCC an assessment which shall be transmitted by CCC to the Cotton Board and shall be deducted from the:

(1) Loan proceeds for a crop of cotton and shall be at a rate equal to one dollar per bale plus up to one percent of the loan amount, and

(2) Loan deficiency payment proceeds for a crop of cotton and shall be at a rate equal to up to one percent of the loan deficiency payment amount.

§ 1427.14 Offsets.

(a) If any installment on any loan made by CCC on farm-storage facilities or drying equipment is due and payable such amount due to CCC shall be offset from loan proceeds made available to the producer in accordance with this part, after deduction of clerk fees, service charges, research and promotion fees.

(b) If the producer is indebted to CCC or to any other agency of the United

States and such indebtedness is listed on the county claim control record, amounts due the producer under regulations in this subpart, after deduction of amounts payable under paragraph (a) of this section shall be applied to such indebtedness as provided in part 3 of this title and part 1403 of this chapter.

§ 1427.15 Special procedure where note amount advanced.

(a) This special procedure is provided to assist persons or firms which, in the course of their regular business of handling cotton for producers, have made advances to eligible producers on eligible cotton to be placed under loan and desire to obtain credit at a financial institution for the amounts advanced. A financial institution which has made advances to eligible producers on eligible cotton may also obtain reimbursement for the amounts advanced under this procedure.

(b) This special procedure shall apply only:

(1) To loan documents covering cotton on which a person or firm has advanced to the producers, including payments to prior lienholders and other creditors, the note amounts shown on the Form A loan, except for:

(i) Authorized loan clerk fees,
(ii) The research and promotion fee collected for transmission to the Cotton Board, and

(iii) CCC loan service charges, and
(2) If such person or firm is entitled to reimbursement from the proceeds of the loans for the amounts advanced and has been authorized by the producer to deliver the loan documents to a county office for disbursement of the loans.

(c)(1) Each Form A loan and related documents shall be mailed or delivered to the appropriate county office and shall show the entire proceeds of the loans, except for CCC loan service charges, for disbursement to:

(i) The financial institution which is to allow credit to the person or firm which made the loan advances or to such financial institution and such person or firm as joint payees, or

(ii) The financial institution which made the loan advances to the producers.

(2) When received in a county office (or postmarked, if mailed) warehouse receipts and loan documents must reflect not more than 60 days accrued storage, or the loan amount must be reduced by the excess storage as specified in § 1427.11.

(3) The documents shall be accompanied by Form CCC-825, Transmittal Schedule of Form A Cotton Loans, in original and two copies,

numbered serially for each county office by the financial institution. The Form CCC-825 shall show the amounts invested by the financial institution in the loans, which shall be the amounts of the notes minus the amounts of CCC loan service charges shown on the notes.

(4) Upon receipt of the loan documents and Form CCC-825, the county office will stamp one copy of the Form CCC-825 to indicate receipt of the documents and return this copy to the financial institution.

(d) County offices will review the loan documents prior to disbursement and will return to the financial institution any documents determined not to be acceptable because of errors or illegibility. County offices will disburse the loans for which loan documents are acceptable by issuance of one check to the payee indicated on the Form A and will mail the check to the address shown for such payee on the Form A loan with a copy of Form CCC-825. The Form CCC-825 will show the date of disbursement by a county office and amount of interest earned by the financial institution.

(e) The financial institution shall be deemed to have invested funds in the loans as of the date loan documents acceptable to CCC were delivered to a county office or, if received by mail, the date of mailing as indicated by postmark or the date of receipt in a county office if no postmark date is shown. Patron postage meter date stamp will not be recognized as a postmark date.

(f) Interest will be computed on the total amount invested by the financial institution in the loan represented by accepted loan documents from and including the date of investment of funds by the financial institution to, but not including, the date of disbursement by a county office.

(1) Interest will be paid at the rate in effect for CCC loans as provided in part 1405 of this chapter.

(2) Interest earned by the financial institution in the investment in loans disbursed during a month will be paid by county offices after the end of the month.

§ 1427.16 Reconcentration of cotton.

(a) Loans on cotton to be reconcentrated shall be available only on cotton received at CCC approved warehouses in areas where there is a shortage of storage space and the local warehouse certifies such fact to CCC. A producer who desires to obtain a loan on cotton to be reconcentrated under the provisions of this paragraph shall

request such reconcentration and present the same documents as required for a regular loan.

(1) The Forms CCC-Cotton A-1, Schedule of Pledged Cotton (Form CCC-Cotton A-1), and warehouse receipts covering such cotton to be reconcentrated must show the reconcentration order number furnished by the county office or authorized LSA under which the cotton will be shipped.

(2) The county office or authorized LSA shall arrange for reconcentration of the cotton under the direction of the Kansas City Commodity Office.

(3) Any fees, cost, or expenses incident to such actions shall be charges against the cotton.

(4) After the cotton is reconcentrated, the Kansas City Commodity Office shall obtain new warehouse receipts, allocate to individual bales shipping and other charges incurred against the cotton, and return new warehouse receipts and reconcentration charges applicable to each bale to the county office or authorized LSA. Such reconcentration charges shall be added to bale loan amounts and must be repaid for bales redeemed from loan.

(b) CCC may under certain conditions, before loan maturity, compress, store, insure, or reinsure the cotton against any risk, or otherwise handle or deal with the cotton as it may deem necessary or appropriate for the purpose of protecting the interest therein of the producer or CCC.

(1) CCC may also move the cotton from one storage point to another with the written consent of the producer or borrower and upon the request of the local warehouse and certification that there is congestion and lack of storage facilities in the area: Provided, however, That if CCC determines such loan cotton is improperly warehoused and subject to damage, or if any of the terms of the loan agreement are violated, of if carrying charges are substantially in excess of the average of carrying charges available elsewhere and the local warehouse, after notice, declines to reduce such charges, such written consent need not be obtained.

(2) The county office or authorized LSA shall arrange for reconcentration of the cotton under the direction of the Kansas City Commodity Office.

(3) Any fees, costs, or expenses incident to such actions shall be charges against the cotton.

(4) After the cotton is reconcentrated, the Kansas City Commodity Office shall obtain new warehouse receipts, allocate to individual bales, shipping and other charges incurred against the cotton, and return new warehouse receipts and reconcentration charges applicable to

each bale to the county office or authorized LSA. Such reconcentration charges shall be added to bale loan amounts and must be repaid for bales redeemed from loan.

§ 1427.17 Custodial offices.

Forms A and CCC-Cotton A-1, collateral warehouse receipts, cotton classification memoranda, and related documents will be maintained in custody of the local county office, authorized LSA, central county office, or any financial institution defined in § 1427.2 and approved by CCC, whichever disbursed the loan evidenced by such documents.

§ 1427.18 Liability of the producer.

(a)(1) If a producer makes any fraudulent representation in obtaining a loan or loan deficiency payment or in maintaining, or settling a loan or disposes of or moves the loan collateral without the approval of CCC, such loan shall be payable upon demand by CCC. The producer shall be liable for:

(i) The amount of the loan or loan deficiency payment;

(ii) Any additional amounts paid by CCC with respect to the loan or loan deficiency payment;

(iii) All other costs which CCC would not have incurred but for the fraudulent representation or the unauthorized disposition or movement of the loan collateral;

(iv) Applicable interest on such amounts; and

(v) With regard to amounts due for a loan, the payment of such amounts may not be satisfied by the forfeiture of loan collateral to CCC of cotton with a settlement value that is less than the total of such amounts or by repayment of such loan at the lower loan repayment rate as prescribed in § 1427.19.

(2)(i) Notwithstanding any provision of the note and security agreement, if a producer has made any such fraudulent representation or if the producer has disposed of, or moved, the loan collateral without prior written approval from CCC, the value of such collateral delivered to or acquired by CCC shall be determined by CCC, and shall be the lower of:

(A) The market value of the commodity at the close of the market on the final date for repayment; or

(B) The loan settlement value of the commodity.

(ii) Notwithstanding the provisions of paragraphs (a)(2) of this section, if CCC sells the loan collateral in order to determine the market value of the cotton, the value of the cotton shall be the lower of:

(A) The sales price of the cotton less any costs incurred by CCC in completing the sale; or

(B) The loan settlement value of the cotton.

(b) If the amount disbursed under a loan, or in settlement thereof, or loan deficiency payment exceeds the amount authorized by this part, the producer shall be liable for repayment of such excess, plus interest. In addition, the commodity pledged as collateral for such loan shall not be released to the producer until such excess is repaid.

(c) If the amount collected from the producer in satisfaction of the loan or loan deficiency payment is less than the amount required in accordance with this part, the producer shall be personally liable for repayment of the amount of such deficiency plus applicable interest.

(d) If more than one producer executes a note and security agreement or loan deficiency payment application with CCC, each such producer shall be jointly and severally liable for the violation of the terms and conditions of the note and security agreement and the regulations set forth in this part. Each such producer shall also remain liable for repayment of the entire loan amount until the loan is fully repaid without regard to such producer's claimed share in the cotton pledged as collateral for the loan. In addition, such producer may not amend the note and security agreement with respect to the producer's claimed share in such cotton, or loan proceeds, after execution of the note and security agreement by CCC.

§ 1427.19 Repayment of support price loans.

(a) Warehouse receipts will not be released except as provided in this section.

(b) A producer may redeem one or more bales of cotton pledged as collateral for a loan by payment to CCC of an amount applicable to the bales of cotton being redeemed determined in accordance with this section. CCC, upon proper payment for the amount due, shall release the warehouse receipts and, if requested, the classification memoranda applicable to such cotton. The producer may also request that the warehouse receipts and classification memoranda be forwarded to a bank for payment, in which case:

(1) The amount of the loan, interest, and charges must be paid to the bank within 5 business days after the documents are received by the bank, and

(2) All charges assessed by the bank to which the receipts are sent must be paid by the producer.

(c) A producer may repay the loan amount for one or more bales of cotton pledged as collateral for a loan:

(1) For upland cotton, at a level that is the lesser of:

- (i) The loan level and charges, plus interest determined for such bales; or
- (ii) The higher of:

(A) The loan level determined for such bales multiplied by 70 percent for the 1991 and subsequent years crops; or

(B) The adjusted world price, as determined by CCC in accordance with § 1427.25, in effect on the day the repayment is received by the county office or authorized LSA that disbursed the loan.

(2) For ELS cotton, by repaying the loan amount and charges, plus interest determined for such bales.

(d) CCC shall determine and publicly announce the adjusted world price for each crop of upland cotton on a weekly basis.

(e) The difference between the loan level, excluding charges and interest, and the loan repayment level is the market gain. The total amount of any market gain realized by a person is subject to part 1497 of this chapter.

(f) Notwithstanding any other provision in this part, if an upland cotton loan has been extended in accordance with § 1427.7(a)(2), and is repaid in accordance with paragraph (c)(1) of this section, the repayment amount shall include interest that has accrued on the cotton under loan in accordance with § 1427.7(b)(2).

(h) Repayment of loans will not be accepted after CCC acquires title to the cotton in accordance with § 1427.7.

§ 1427.20 Handling payments and collections not exceeding \$9.99.

To avoid administrative costs of making small payments and handling small accounts, amounts of \$9.99 or less will be paid to the producer only upon the producer's request. Deficiencies of \$9.99 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1427.21 Settlement.

(a) The settlement of loans shall be made by CCC on the basis of the quality and quantity of the cotton delivered to CCC by the producer or acquired by CCC.

(b) Settlements made by CCC with respect to eligible cotton which are acquired by CCC which are stored in an approved warehouse shall be made on the basis of the entries set forth on the applicable warehouse receipt and other accompanying documents.

(c) If a producer does not pay to CCC the total amount due in accordance with

a loan, CCC shall take title to the cotton in accordance with § 1427.7(c).

§ 1427.22 Death, incompetency, or disappearance.

In the case of death, incompetency, or disappearance of any producer who is entitled to the payment of any proceeds in settlement of a loan or loan deficiency payment, payment shall, upon proper application to the county office which disbursed the loan or loan deficiency payment, be made to the person or persons who would be entitled to such producer's payment as provided in the regulations entitled Payment Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent, part 707 of this title.

§ 1427.23 Cotton loan deficiency payments.

(a) Producers may obtain loan deficiency payments for 1991 and subsequent crops of upland cotton in accordance with this section.

(b) In order to be eligible to receive such loan deficiency payments, the producer of such commodity must:

(1) Comply with all of the program requirements to be eligible to obtain loans in accordance with this part;

(2) Agree to forego obtaining such loans; and

(3) Otherwise comply with all program requirements.

(c) The loan deficiency payment applicable to a crop of cotton shall be computed by multiplying the loan payment rate, as determined in accordance with this paragraph (c) by the quantity of the crop the producer is eligible to pledge as collateral for a price support loan.

(d) The loan deficiency payment rate for a crop of upland cotton shall be the amount by which the level of price support loan determined for a bale of such crop exceeds the amount at which CCC has announced that producers may repay the price support loan for such bale.

(e) The total amount of any loan deficiency payments that a person may receive is subject to part 1497 of this chapter.

§ 1427.24 Recourse loan.

CCC may make recourse loans available to eligible producers. Repayment or settlement of such recourse loans shall be in accordance with the terms and conditions set forth by CCC when the availability of such recourse loans is announced.

§ 1427.25 Determination of the prevailing world market price and the adjusted world price for upland cotton.

(a) The prevailing world market price for upland cotton shall be determined by CCC as follows:

(1) During the period when only one daily price quotation is available for each growth quoted for Middling one and three-thirty-second inch (M 1 $\frac{3}{32}$ inch) cotton C.I.F. (cost, insurance, and freight) northern Europe, the prevailing world market price for upland cotton shall be based upon the average of the quotations for the preceding Friday through Thursday for the five lowest-price growths of the growths quoted for M 1 $\frac{3}{32}$ inch cotton C.I.F. northern Europe.

(2) During the period when both a price quotation for cotton for shipment no later than August/September of the current calendar year ("current shipment price") and a price quotation for cotton for shipment no earlier than October/November of the current calendar year ("forward shipment price") are available for the growths quoted for M 1 $\frac{3}{32}$ inch cotton C.I.F. northern Europe, the prevailing world market price for upland cotton shall be based upon the following: Beginning with the first week covering the period Friday through Thursday which includes April 15 or, if both the average of the current shipment prices for the preceding Friday through Thursday for the five lowest-priced growths of the growths quoted for M 1 $\frac{3}{32}$ inch cotton C.I.F. northern Europe ("Northern Europe current price") and the average of the forward shipment prices for the preceding Friday through Thursday for the five lowest-priced growths of the growths quoted for M 1 $\frac{3}{32}$ inch cotton C.I.F. northern Europe ("Northern Europe forward price") are not available during that period, beginning with the first week covering the period Friday through Thursday after the week which includes April 15 in which both the Northern Europe current price and the Northern Europe forward price are available, the prevailing world market price for upland cotton shall be based upon the result calculated by the following procedure:

(i) Weeks 1 and 2: $2 \times$ Northern Europe current price + Northern Europe forward price/3.

(ii) Weeks 3 and 4: Northern Europe current price + Northern Europe forward price/2.

(iii) Weeks 5 and 6: Northern Europe current price + $[2 \times$ Northern Europe forward price]/3.

(iv) Week 7 through July 31: Northern Europe forward price.

(3) The prevailing world market price for upland cotton as determined in accordance with paragraph (a)(1) or (a)(2) of this section shall hereinafter be referred to as the "Northern Europe price."

(4) If quotes are not available for one or more days in the five-day period, the available quotes during the period will be used. If no quotes are available during the Friday through Thursday period, the prevailing world market price shall be based upon the best available world price information, as determined by CCC.

(b) The prevailing world market price for upland cotton, adjusted in accordance with paragraph (c) of this section ("adjusted world price"), shall be applicable to the 1991 through 1995 crops of upland cotton.

(c) The adjusted world price for upland cotton shall equal the Northern Europe price as determined in accordance with paragraph (a) of this section, adjusted as follows:

(1) The Northern Europe price shall be adjusted to average designated U.S. spot market location by deducting the average difference in the immediately preceding 52-week period between:

(i)(A) The average of price quotations for the U.S. Memphis territory and the California/Arizona territory as quoted each Thursday for M 1½ inch cotton C.I.F. northern Europe during the period when only one daily price quotation for such growths is available, or

(B) The average of the current shipment prices for U.S. Memphis territory and the California/Arizona territory as quoted each Thursday for M 1½ inch cotton C.I.F. northern Europe during the period when both current shipment prices and forward shipment prices for such growths are available; and

(ii) The average price of M 1½ inch (micronaire 3.5 through 3.6 and 4.3 through 4.9, strength 24 through 25 grams per tex) cotton as quoted each Thursday in the designated U.S. spot markets.

(2) The price determined in accordance with paragraph (c)(1) of this section shall be adjusted to reflect the price of Strict Low Middling (SLM) 1½ inch (micronaire 3.5 through 3.6 and 4.3 through 4.9, strength 24 through 25 grams per tex) cotton ("U.S. base quality") by deducting the difference, as announced by CCC, between the applicable loan rate for a crop of upland cotton for M 1½ inch (micronaire 3.5 through 3.6 and 4.3 through 4.9, strength 24 through 25 grams per tex) cotton and the loan rate for a crop of upland cotton of the U.S. base quality.

(3) The price determined in accordance with paragraph (c)(2) of this

section shall be adjusted to average U.S. location by deducting the difference between the average loan rate for a crop of upland cotton of the U.S. base quality in the designated U.S. spot markets and the corresponding crop year national average loan rate for a crop of upland cotton of the U.S. base quality, as announced by CCC.

(4)(i) If it is determined that the prevailing world market price, as adjusted in accordance with paragraphs (c)(1) through (c)(3) of this section, is less than 115 percent of the current crop year loan level for SLM 1½ inch (micronaire 3.5 through 3.6 and 4.3 through 4.9, strength 24 through 25 grams per tex) cotton, and that the Friday through Thursday average price quotation for the lowest-price U.S. growth as quoted for M 1½ inch cotton C.I.F. northern Europe is greater than the Northern Europe price, such price may be adjusted on the basis of some or all of the following data, as available:

(A) The U.S. share of world exports;
(B) The current level of cotton export sales and/or cotton export shipments; and

(C) Other data determined by CCC to be relevant in establishing an accurate prevailing world market price determination adjusted to United States quality and location.

(ii) The adjustment may not exceed the difference between the Friday through Thursday average price for the lowest-priced U.S. growth as quoted for M 1½ inch cotton C.I.F. northern Europe and the Northern Europe price.

(d) In determining the average difference in the 52-week period as provided in paragraph (c)(1) of this section:

(1) If the difference between the average price quotations for the U.S. Memphis territory and the California/Arizona territory as quoted for M 1½ inch cotton C.I.F. northern Europe and the average price of M 1½ inch (micronaire 3.5 through 3.6 and 4.3 through 4.9, strength 24 through 25 grams per tex) cotton as quoted each Thursday in the designated U.S. spot markets for any week is:

(i) More than 115 percent of the estimated actual cost associated with transporting U.S. cotton to northern Europe, then 115 percent of such actual cost shall be substituted in lieu thereof such week.

(ii) Less than 85 percent of the estimated actual cost associated with transporting U.S. cotton to northern Europe, then 85 percent of such actual cost shall be substituted in lieu thereof for such week.

(2) If a Thursday price quotation for either the U.S. Memphis territory or the

California/Arizona territory as quoted for M 1½ inch cotton C.I.F. northern Europe is not available for any week, CCC:

(i) May use the available northern Europe quotation to determine the difference between the average price quotations for the U.S. Memphis territory and the California/Arizona territory as quoted for M 1½ inch cotton C.I.F. northern Europe and the average price of M 1½ inch (micronaire 3.5 through 3.6 and 4.3 through 4.9, strength 24 through 25 grams per tex) cotton as quoted each Thursday in the designated U.S. spot markets for that week, or

(ii) May not take that week into consideration.

(3) If Thursday price quotations for any week are not available for either, (i) both the Memphis territory and the California/Arizona territory as quoted for M 1½ inch cotton C.I.F. northern Europe, or (ii) the average price of M 1½ inch (micronaire 3.5 through 3.6 and 4.3 through 4.9, strength 24 through 25 grams per tex) cotton as quoted in the designated U.S. spot markets, that week will not be taken into consideration.

(e) The adjusted world price for upland cotton, as determined in accordance with paragraph (c) of this section and the amount of the additional adjustment, as determined in accordance with paragraph (f) of this section, shall be determined weekly by CCC and shall be announced as soon as possible after 4 p.m. Eastern time each Thursday, beginning July 25, 1991, and continuing through the last Thursday of July 1996. In the event that Thursday is a nonworkday, the determination will be announced the next workday.

(f)(1) The adjusted world price, as determined in accordance with paragraph (c) of this section, shall be subject to further adjustments as provided in this subsection with respect to any grade of upland cotton with a staple length of 1½ inch or shorter and the following grades of upland cotton with a staple length of 1½ inch or longer:

(i) *White Grades*—Strict Good Ordinary Plus, Strict Good Ordinary, Good Ordinary Plus and Good Ordinary;

(ii) *Light Spotted Grades*—Low Middling and Strict Good Ordinary;

(iii) *Spotted Grades*—Middling, Strict Low Middling, Low Middling, and Strict Good Ordinary;

(iv) *Tinged Grades*—Strict Middling, Middling, Strict Low Middling and Low Middling;

(v) *Yellow Stained Grades*—Strict Middling and Middling;

(vi) *Light Gray Grades*—Strict Low Middling;

(vii) *Gray Grades*—Middling and Strict Low Middling. Grade and staple length must be determined in accordance with § 1427.9. If no such official classification is presented, the adjustment shall not be made.

(2) The adjustment for upland cotton provided for by paragraph (f)(1) of this section shall be determined by deducting from the adjusted world price:

(i) The difference between the Northern Europe price, and

(A) During the period when only one daily price quotation for each growth quoted for "coarse count" cotton C.I.F. northern Europe is available the average of the quotations for the corresponding Friday through Thursday for the three lowest-priced growths of the growths quoted for "coarse count" cotton C.I.F. northern Europe.

(B) During the period when both current shipment prices and forward shipment prices are available for the growths quoted for "coarse count" cotton C.I.F. northern Europe, the result calculated by the following procedure: Beginning with the first week covering the period Friday through Thursday which includes April 15 or, if both the average of the current shipment prices for the preceding Friday through Thursday for the three lowest-priced growths of the growths quoted for "coarse count" cotton C.I.F. northern Europe ("Northern Europe coarse count current price") and the average of the forward shipment prices for the preceding Friday through Thursday for the three lowest-priced growths of the growths quoted for "coarse count" cotton C.I.F. northern Europe ("Northern Europe coarse count forward price") are not available during that period, beginning with the first week covering the period Friday through Thursday after the week which includes April 15 in which both the Northern Europe coarse count current price and the Northern Europe coarse count forward price are available:

(1) *Weeks 1 and 2:* $(2 \times \text{Northern Europe coarse count current price}) + \text{Northern Europe coarse count forward price} / 3$.

(2) *Weeks 3 and 4:* $\text{Northern Europe coarse count current price} + \text{Northern Europe coarse count forward price} / 2$.

(3) *Weeks 5 and 6:* $\text{Northern Europe coarse count current price} + (2 \times \text{Northern Europe coarse count forward price}) / 3$.

(4) *Weeks 7 through July 31:* The Northern Europe coarse count forward price, minus:

(ii) The difference between the applicable loan rate for crop of upland

cotton for M 1½ inch (micronaire 3.5 through 3.6 and 4.3 through 4.9, strength 24 through 25 grams per tex) cotton and the loan rate for a crop of upland cotton for SLM 1½ inch (micronaire 3.5 through 3.6 and 4.3 through 4.9, strength 24 through 25 grams per tex) cotton.

(iii) The result of the calculation as determined in accordance with this paragraph (f)(2) shall hereinafter be referred to as the "Northern Europe coarse count current price".

(3) With respect to the determination of the Northern Europe coarse count current price in accordance with paragraph (f)(2)(i) of this section:

(i) If no quotes are available for one or more days of the five-day period, the available quotes will be used.

(ii) If quotes for three growths are not available for any day in the five-day period, that day will not be taken into consideration; and

(iii) If quotes for three growths are not available for at least three days in the five-day period, that week will not be taken into consideration, in which case the adjustment determined in accordance with paragraph (f)(2) of this section for the latest available week will continue to be applicable.

(g) If the 6-week transition periods from using current shipment prices to using forward shipment prices in the determination of the Northern Europe price in accordance with paragraph (a)(2) of this section, and the Northern Europe coarse count current price in accordance with paragraph (f)(2)(i)(B) of this section do not begin at the same time, CCC shall use either current shipment prices, forward shipment prices, or any combination thereof, to determine the Northern Europe price and/or the Northern Europe coarse count price used in the determination of the adjustment for upland cotton provided for by paragraph (f)(1) of this section and determined in accordance with paragraph (f)(2) of this section, in order to prevent distortions in such adjustment.

(h) The adjusted world price, determined in accordance with paragraph (c) of this section, shall be subject to further adjustments, as determined by CCC based upon the Schedule of Premiums and Discounts and the location differentials applicable to each warehouse location as announced in accordance with the upland cotton price support loan program for a crop upland cotton.

§ 1427.26 Paperwork Reduction Act assigned numbers.

The information collection requirements contained in these regulations will be submitted to the

Office of Management and Budget in accordance with 44 U.S.C. chapter 35 and an OMB number will be assigned.

Subpart—Seed Cotton Loan Program Regulations

§ 1427.160 General statement.

(a) The regulations in this subpart are applicable to the 1991 and subsequent crops of upland and extra long staple (ELS) seed cotton. Such loans will be available through March 31 of the year following the calendar year in which such crop is normally harvested. This is the loan availability period. CCC may change the loan availability period to conform to State or locally imposed quarantines. Additional terms and conditions are set forth in the note and security agreement which must be executed by a producer in order to receive such loans.

(b) Price support rates and the forms which are used in administering the program for a crop of upland and ELS cotton are available in State and county Agricultural Stabilization and Conservation Service ("ASCS") offices ("State and county offices", respectively). Price support rates shall be based upon the location at which the loan collateral is stored.

(c) A producer must, unless otherwise authorized by CCC, request price support at the county office which, in accordance with part 719 of this title, is responsible for administering programs for the farm on which the cotton was produced. An approved cooperative marketing association must, unless otherwise authorized by CCC, request price support at a servicing agent bank approved by CCC. All note and security agreements and related documents necessary for the administration of the price support programs shall be determined by CCC and are available at State and county offices.

(d) Price support loans shall not be available with respect to any commodity produced on land owned or otherwise in the possession of the United States if such land is occupied without the consent of the United States.

§ 1427.161 Administration.

Section 1427.2 of this part shall be applicable to this subpart.

§ 1427.162 Definitions.

Section 1427.3 of this part shall be applicable to this subpart.

§ 1427.163 Disbursement of loans.

(a) A producer or the producer's agent shall request a loan at the county office for the county which, in accordance with part 719 of this title, is responsible

for administering programs for the farm on which the cotton was produced, which will assist the producer in completing the loan documents, except that approved cooperatives and approved financially responsible commercial ginning companies designated by producers to obtain loans in their behalf may obtain loans through a central county office designated by the State committee. Financially responsible ginning companies wishing to participate on behalf of producers must file an application with the county committee for the county office designated by the State committee. Only such ginning companies approved by CCC are eligible to participate on behalf of their members.

(b) Disbursement of each loan will be made by the county office of the county which is responsible for administering programs for the farm on which the cotton was produced except that approved cooperatives designated by producers to obtain loans in their behalf may obtain disbursement of loans at a servicing agent bank. Service charges shall be deducted from the loan proceeds. The producer or the producer's agent shall not present the loan documents for disbursement unless the cotton is in existence and in good condition. If the cotton is not in existence and in good condition at the time of disbursement, the producer or the agent shall immediately return the check issued in payment of the loan or, if the check has been negotiated, shall promptly return the proceeds.

§ 1427.164 Eligible producer.

Section 1427.4 of this part shall be applicable to this subpart.

§ 1427.165 Eligible seed cotton.

(a) Cotton pledged as collateral for a loan must be tendered to CCC by an eligible producer and must be:

(1) In existence and in good condition at the time of disbursement of loan proceeds;

(2) Stored in identity preserved lots in approved storage meeting requirements of § 1427.171; and

(3) Insured at the full loan value against loss or damage by fire.

(4) Not have been sold, nor any sales option on such cotton granted, to a buyer under a contract which provides that the buyer may direct the producer to pledge the cotton to CCC as collateral for a price support loan; and

(5) Not have been previously sold and repurchased; or pledged as collateral for a CCC price support loan and redeemed except as provided in § 1427.171(b) (3) or (4).

(b) The quality of cotton which may be pledged as collateral for a loan shall be the estimated quality of lint cotton in each lot of seed cotton as determined by the county office, except that if a control sample of the lot of cotton is classed by an Agricultural Marketing Service (AMS), Cotton Classing Office, the quality for the lot shall be the quality shown on the AMS Form 1 or Form 3 classification card issued for the control sample.

(c) To be eligible for price support, the beneficial interest in the commodity must be in the producer who is pledging the commodity as collateral for a loan as provided in § 1427.59(c).

§ 1427.166 Insurance.

The cotton must be insured at the full loan value against loss or damage by fire.

§ 1427.167 Liens.

If there are any liens or encumbrances on the commodity, waivers that fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan proceeds. No additional liens or encumbrances shall be placed on the commodity after the loan is approved.

§ 1427.168 Offsets.

(a) If any installment on any loan made by CCC on farm-storage facilities or drying equipment is due and payable such amount due to CCC shall be offset from loan proceeds made available to the producer in accordance with this part, after deduction of clerk fees, service charges, research and promotion fees.

(b) If the producer is indebted to CCC or any other agency of the United States and such indebtedness is listed on the county claim control record, amounts due the producer under regulations in this subpart, after deduction of amounts payable under paragraph (a) of this section shall be applied to such indebtedness as provided in part 3 of this chapter and part 1403 of this chapter.

§ 1427.169 Fees, charges and interest.

(a) A producer shall pay a nonrefundable loan service fee to CCC at a rate determined by CCC.

(b) Interest which accrues with respect to a loan shall be determined in accordance with part 1405 of this chapter.

§ 1427.170 Quantity for loan.

(a) The quantity of lint cotton in each lot of seed cotton tendered for loan shall be determined by the county office by multiplying the weight or estimated weight of seed cotton by the lint turnout

factor determined in accordance with paragraph (b) of this section.

(b) The lint turnout factor for any lot of seed cotton shall be the percentage determined by the county committee representative during the initial inspection of the lot. If a control portion of the lot is weighed and ginned, the turnout factor determined for the portion of cotton ginned will be used for the lot. If a control portion is not weighed and ginned, the lint turnout factor shall not exceed 32 percent for machine picked cotton and 22 percent for machine stripped cotton unless acceptable proof is furnished showing that the lint turnout factor is greater.

(c) Loans shall not be made on more than a percentage established by the county committee of the quantity of lint cotton determined as provided in this section. If the seed cotton is weighed, the percentage to be used shall not be more than 95 percent. If the quantity is determined by measurement, the percentage to be used shall not be more than 90 percent. The percentage to be used in determining the maximum quantity for any loan may be reduced below such percentages by the county committee when determined necessary to protect the interests of CCC on the basis of one or more of the following risk factors:

- (1) Condition or suitability of the storage site or structure,
- (2) Condition of the cotton,
- (3) Location of the storage site or structure, and
- (4) Other factors peculiar to individual farms or producers which relate to the preservation or safety of the loan collateral. Loans may be made on a lower percentage basis at the producer's request.

§ 1427.171 Approved storage.

Approved storage shall consist of storage located on or off the producer's farm (excluding public or commercial warehouses) which is determined by a county committee representative to afford adequate protection against loss or damage and which is located within a reasonable distance, as determined by CCC, of an approved gin. If the cotton is stored off the producer's farm, the producer must furnish satisfactory evidence that the producer has the authority to store the cotton on such property and that the owner of such property has no lien for such storage against the cotton. The producer must provide satisfactory evidence that the producer and any person having an interest in the cotton including CCC, have the right to enter the premises to inspect and examine the cotton and

shall permit a reasonable time to such persons to remove the cotton from the premises.

§ 1427.172 Settlement.

(a) A producer may, at any time prior to maturity of the loan, obtain release of all or any part of the loan cotton by paying to CCC the amount of the loan, plus interest and charges.

(b)(1) A producer or the producer's agent shall not remove from storage any cotton which is pledged as collateral for a loan until prior written approval has been received from the county committee for removal of such cotton. If a producer or the producer's agent obtains such approval, they may remove such cotton from storage, sell the seed cotton, have it ginned, and sell the lint cotton and cottonseed obtained therefrom. The ginner shall inform the county office in writing immediately after the cotton removed from storage has been ginned and furnish the county office the loan number, producer's name, and applicable gin bale numbers. If the seed cotton is removed from storage, the loan interest and charges thereon must be satisfied not later than the earlier of:

(i) The date established by the county committee;

(ii) 5 days of the date of the producer received the AMS classification in accordance with § 1427.9 (and the warehouse receipt, if the cotton is delivered to a warehouse), representing such cotton; or

(iii) The loan maturity date.

(2) If the seed cotton or lint cotton is sold, the loan, interest, and charges must be satisfied immediately.

(3) A producer, except a cooperative, may obtain a warehouse stored loan in accordance with this part, on the lint cotton, but the loan, interest, and charges on the seed cotton must be satisfied out to the proceeds of the warehouse stored loan.

(4) An approved cooperative must repay the seed cotton loan, interest, and charges before pledging the cotton for a warehouse stored loan. If approved cooperatives and commercial ginning companies authorized by producers to obtain loans in their behalf remove seed cotton from storage prior to obtaining approval to move such cotton, such removal shall constitute conversion of such cotton unless:

(i) The cooperative or commercial ginning company notifies the county office in writing the following morning by mail or otherwise that such cotton has been moved and is on the gin yard.

(ii) Furnished CCC an irrevocable letter of credit if requested; and

(iii) Repays the loan, plus interest and charges within the time specified by the county committee.

(5) Any removal from storage shall not be deemed to constitute a release of CCC's security interest in the cotton or to release the producer or approved cooperative from liability for the loan, interest, and charges if full payment of such amount is not received by the county office.

(c) If, either before or after maturity, the producer discovers that the cotton is going out of condition or is in danger of going out of condition, the producer shall immediately so notify the county office and confirm such notice in writing. If the county committee determines that the cotton is going out of condition or is in danger of going out of condition, the county committee will call for repayment of the loan, plus interest and charges on or before a specified date. If the producer does not repay the loan or have the cotton ginned and obtain a warehouse-stored loan on the lint cotton produced therefrom within the period as specified by the county committee, the cotton shall be considered abandoned.

(d) If the producer has control of the storage site and if the producer subsequently loses control of the storage site or there is danger of flood or damage to the cotton or storage structure making continued storage of the cotton unsafe, the producer shall immediately either repay the loan or move the cotton to the nearest approved gin for ginning and shall, at the same time, inform the county office. If the producer does not do so, the cotton shall be considered abandoned.

§ 1427.173 Foreclosure.

Any seed cotton pledged as collateral for a loan which is abandoned or which has not been ginned and pledged as collateral for a warehouse-stored loan in accordance with this part by the loan maturity date may be removed from storage by CCC and ginned and the resulting lint cotton warehoused for the account of CCC. The lint cotton and cottonseed may be sold, at such time, in such manner, and upon such terms as CCC may determine at public or private sale. CCC may become the purchaser of the whole or any part of such cotton and cottonseed. If the proceeds are less than the amount due on the loan (including interest, ginning charges, and any other charges incurred by CCC), the producer shall be liable for such difference and there shall be no obligation on the part of CCC to pay for any proceeds which may be in excess of the loan amount including interest and other charges.

§ 1427.174 Maturity of loans.

Seed cotton loans mature on demand by CCC but no later than May 31 following the calendar year in which such crop is normally harvested.

§ 1427.175 Restrictions in use of agents.

A producer shall not delegate to any person, or the person's representative, who has any interest in storing, processing, or merchandising any commodity which is otherwise eligible for price support or a loan deficiency payment under a program to which this section is applicable, authority to exercise on the behalf of the producer any of the producer's rights or privileges under such program, including the authority to execute any note and security agreement or other price support document, unless the person (or the person's representative) to whom authority is delegated, is serving in the capacity of a farm manager for the producer or unless the authority delegated is restricted specifically for the purpose of repaying the loan amount and charges plus interest or, for the purpose of extending the loan or, for the purpose of obtaining loan deficiency payments, and such delegation is filed through the execution of Form ASCS-211, Power of Attorney, or other form as approved by CCC, with the county office and accepted by CCC.

Signed this April 30, 1991 in Washington, DC.

Dated: April 29, 1991.

Keith D. Bjerke,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 91-10579 Filed 5-3-91; 8:45 am]

BILLING CODE 3410-05-M

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

Issuance of Quarterly Report on the Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued the NRC Regulatory Agenda for the first quarter, January through March, of 1991. The agenda is issued to provide the public with information about NRC's rulemaking activities. The Regulatory Agenda is a quarterly compilation of all rules on which the NRC has recently completed action or has proposed, or is considering action and of all petitions

for rulemaking that the NRC has received that are pending disposition.

ADDRESSES: A copy of this report, designated NRC Regulatory Agenda (NUREG-0936) Vol. 10, No. 1, is available for inspection, and copying for a fee, at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street NW (Lower Level), Washington, DC.

In addition, the U.S. Government Printing Office (GPO) sells the NRC Regulatory Agenda. To purchase it, a customer may call (202) 275-2060 or (202) 275-2171 or write to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37032, Washington, DC 20013-7032.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 492-7753, toll-free number (800) 368-5842.

Dated at Bethesda, Maryland, this 30th day of April 1991.

For the Nuclear Regulatory Commission.
Donnie H. Grimsley,

Director, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 91-10659 Filed 5-3-91; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 704 and 741

Corporate Credit Unions and Requirements for Insurance

AGENCY: National Credit Union Administration.

ACTION: Proposed revisions to regulation; extension of comment period.

SUMMARY: On March 13, 1991, the NCUA issued proposed revisions to its regulations governing corporate credit unions and requirements for insurance (part 704 and § 741.9). The proposed revisions were published in the Federal Register on March 21, 1991 (see 56 FR 11952). The NCUA Board requested that comments on the proposed revisions be submitted on or before May 20, 1991. Due to requests made, the Board has decided to extend the comment period from May 20, 1991, to July 1, 1991.

DATES: The comment period is being

extended from May 20, 1991, to July 1, 1991.

ADDRESSES: Send comments to Becky Baker, Secretary of the Board, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: D. Michael Riley, Director, or Linda Groth, Corporate Credit Union Specialist, Office of Examination and Insurance, NCUA, at the above address, or telephone: (202) 682-9640.

PART 704—[AMENDED]

The authority citation for part 704 is:

Authority: 12 U.S.C. 1762, 1766(a), 1761 and 1789.

PART 741—[AMENDED]

The authority citation for part 741 is:

Authority: 12 U.S.C. 1757, 1766, 1781 through 1790. Section 741.11 is also authorized by 31 U.S.C. 3717.

By the National Credit Union Administration Board on April 29, 1991.

Becky Baker,
Secretary of the Board.

[FR Doc. 91-10621 Filed 5-3-91; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[FI-139-86]

RIN 1545-AJ51

Discounted Unpaid Losses; Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the discounting of unpaid losses of insurance companies for federal income tax purposes. The regulations affect insurance companies and provide them with guidance needed to comply with the changes to the law.

DATES: The public hearing will be held on Tuesday, September 24, 1991, beginning at 10 a.m. Requests to speak and outlines of oral comments must be received by Tuesday, September 10, 1991.

ADDRESSES: The public hearing will be held in the IRS Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue,

NW., Washington, DC. Requests to speak and outlines of oral comments should be submitted to the Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:CORP:T:R [FI-139-86], room 4429, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Bob Boyer of the Regulations Unit, Assistant Chief Counsel (Corporate), 202-566-3935, (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject to the public hearing is a notice of proposed rulemaking that contains amendments to the Income Tax Regulations (26 CFR part 1) to provide rules relating to the discounting of unpaid losses under section 846 of the Internal Revenue Code of 1986. The proposed regulations reflect the addition of section 846 to the Code by section 1023(c) of the Tax Reform Act of 1986 (100 Stat. 2399). These proposed regulations appear in the proposed rules section of the issue of the Federal Register dated May 2, 1991.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire the present oral comments at the hearing on the proposed regulations should submit not later than Tuesday, September 10, 1991, an outline of the oral comments/testimony to be presented at the hearing and the time they wish to devote to each subject.

Each speaker (or group of speakers representing a single entity) will be limited to 10 minutes for an oral presentation exclusive of the time consumed by the questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the persons testifying. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

Dale D. Goode,
Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 91-10664 Filed 5-1-91; 2:17 pm]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 85

[AMS-FRL-3953-9]

Performance Warranty Regulations and Voluntary Aftermarket Part Certification Program; Supplemental Proposed Alternative Test Procedure

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: Because of a request, this notice announces an extension of the public comment period on EPA's supplemental notice of proposed rulemaking (SNPRM) for an alternative test procedure for the voluntary aftermarket part certification program. This proposal was published in the Federal Register on January 30, 1991 (56 FR 3746).

DATES: The public comment period is extended 60 days and will remain open through June 1, 1991.

ADDRESSES: Interested parties may submit written comments in response to this notice to the U.S. Environmental Protection Agency, Air Docket, room M-1500 (LE-131), Waterside Mall, 401 M Street SW., Washington, DC 20460, attn: Docket No. A-88-31.

FOR FURTHER INFORMATION CONTACT: Linc Wehrly, Certification Division, U.S. Environmental Protection Agency, 2565 Plymouth Rd., Ann Arbor, MI 48105 (313) 668-4286.

SUPPLEMENTARY INFORMATION: In the SNPRM, EPA offered an additional alternative certification compliance demonstration method for certifying aftermarket parts. The method involved back-to-back testing a representative test vehicle over the first 505 seconds of the Federal Test Procedure (the cold 505) with and without the aftermarket part installed. Compliance would be based on the emission difference between the two tests being less than or equal to an allowable emission margin. Two methods for determining the allowable emission margin were proposed. One method uses Federal Test Procedure (FTP) certification test results to determine emission margins. The other method uses the cold 505 certification test results to determine emission margins.

The Specialty Equipment Market Association (SEMA) has requested an extension of the public comment period to allow them sufficient time to evaluate cold 505 certification test data. EPA has concluded that SEMA's request is warranted and is hereby extending the

comment period an additional sixty days, to close June 1, 1991.

Copies of the correspondences between EPA and SEMA have been submitted to the public docket.

Dated: April 29, 1991.

Michael Shapiro,
Acting Assistant Administrator for Air and Radiation.

[FR Doc. 91-10611 Filed 5-3-91; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3160

[WO-630-4111-02-24 1A]

RIN 1004-AB37

Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Onshore Oil and Gas Order No. 8; Well Completions/Workovers/Abandonments

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule provides for the issuance of Onshore Oil and Gas Order No. 8 (Order) under 43 CFR subpart 3164.1. This Order would implement and supplement the requirements found in 43 CFR part 3160 relating to onshore oil and gas operations. Specifically, the Order would require oil and gas operators to comply with minimum standards of performance when conducting well completions, workovers and abandonments on Federal and Indian lands (except Osage). The Bureau of Land Management's (BLM) existing guidelines on well completions, workovers and abandonments have never been formalized and published. Thus, this Order has no direct predecessor.

DATES: Comments should be submitted by July 5, 1991. Comments received or postmarked after this date may not be considered in the decisionmaking process on the issuance of the final rule.

ADDRESSES: Comments should be sent to: Director (140), Bureau of Land Management, room 5555, Main Interior Building, 1849 C Street, NW., Washington, DC 20240.

Comments will be available for public review in room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Joe Lara (505) 622-9042 or Rudy Baier (202) 653-2153.

SUPPLEMENTARY INFORMATION: The existing regulations in 43 CFR part 3160—Oil and Gas Operations—provide in § 3164.1 for the issuance of Oil and Gas Orders when necessary to implement and supplement specific provisions of the regulations. All Orders are promulgated through the rulemaking process and, when issued in final form, apply on a nationwide basis. A table is included in § 3164.1 that shows all existing Orders. This proposed rule would result in another such Order. It is intended to supplement the provisions of § 3162.3-1—Drilling Applications and Plans, § 3162.3-4—Well Abandonment, § 3162.4-1—Well Records and Reports, § 3162.4-2—Samples, Tests, and Surveys, § 3162.5-1—Environmental Obligations, § 3162.5-2—Control of Wells, § 3162.5-2(a)—Drilling Wells, § 3162.5-3—Safety Precautions, Subpart 3163—Noncompliance, Assessment, and Penalties, § 3165.3—Notice, State Director Review and Hearing on the Record, and § 3165.4—Appeals.

Onshore Oil and Gas Order No. 8 would require oil and gas operators to comply with minimum standards of performance when conducting well completions, workovers and abandonments on Federal and Indian (except Osage) lands in different parts of the country. General variances to specific requirements may be granted on a case-by-case or field basis.

In developing this Order, the BLM utilized, as guidance, standards prepared by the Oklahoma Corporation Commission, Texas Railroad Commission, the New Mexico Environmental Improvement Division and representative standards used by industry. Additionally, the BLM held public meetings in Roswell, New Mexico, Casper, Wyoming, and Bakersfield, California during July 1990. The purpose of these meetings was to solicit public comments on BLM's policy concerning stripper well production which included a requirement for operators to test the integrity of well casings in order to ensure that shut-in wells are not left in a condition that would impose an environmental risk. Based on the comments received, an alternative testing requirement of 500 pounds per square inch gauge maximum pressure for temporarily abandoned wells was included under section III.C.3.c. of this Order.

As part of this proposed Order, the BLM would require oil and gas operators seeking authorization of temporary abandonment of a well to conduct a

casing integrity test within 30 days of obtaining BLM approval for abandonment, and to conduct subsequent casing integrity tests at least once every 3 years. The BLM currently requires a casing integrity test to be conducted on temporarily abandoned wells when a BLM official believes it to be necessary to ensure that the wellbore fluids are isolated and not able to migrate to other zones. This proposed Order, however, would require a casing integrity test for all temporarily abandoned wells, except those wells that are recently drilled and are assumed to have good casing. The proposed Order would allow either of two tests that show, within reason, that the casing is in good condition. By allowing a choice, the rule would enable operators to pick the one that is more practicable in light of existing field conditions. The BLM would welcome comments, and any ideas for additional testing methods that would accomplish the objective of ensuring that these wells do not act as conduits for wellbore fluids that could endanger valuable resources such as fresh or usable water, coal, oil shale, potash, etc.

The proposed Order would have no adverse economic effects because its requirements reflect the operating practices currently followed by prudent operators when conducting well completions, workovers, and abandonments on leases under the jurisdiction of the BLM. The proposed Order may have a beneficial economic effect. Industry would be less likely to be subjected to assessments or penalties resulting from violations and/or the requirement to undertake costly remedial actions if it has a better understanding of the requirements of the BLM which relate to well completion, workover, and abandonment operations.

The requirements and standards established by this Order essentially are those which have been required but not officially promulgated by the Department of the Interior, and would impose the same burden on all operators, regardless of the size of the entity.

The principal authors of this proposed rule are Joe Lara, Roswell District Office, New Mexico; Rudy Baier, Washington Office; Aden Seidlitz, Alaska State Office; Darrell Self, Lander Resource Area Office, Wyoming; Max McCoy, White River Resource Area Office, Colorado; John Stout, Ely District Office, Nevada; assisted by the Onshore Orders Task Group, Mike Pool of the Division of Legislation and Regulatory Management, BLM; and the Office of the Solicitor, Department of the Interior.

It has been determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment, and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Additionally, this proposed rule will not cause a taking of private property under Executive Order 12630.

The provisions for collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance numbers 1004-0134 and 1004-0138.

List of Subjects in 43 CFR Part 3160

Government contracts, Indian-lands, Mineral royalties, Oil and gas exploration, Penalties, Public lands-mineral resources, Reporting and recordkeeping requirements.

Under the authorities cited below, part 3160, group 3100, subchapter C, chapter II of title 43 of the Code of Federal Regulations is proposed to be amended as follows:

PART 3160—[AMENDED]

1. The authority citation for part 3160 continues to read as follows:

Authority: The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 *et seq.*); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351-359); the Act of May 31, 1930 (30 U.S.C. 301-306); the Act of March 3, 1909, as amended (25 U.S.C. 396); the Act of May 11, 1938, as amended (25 U.S.C. 396a-396q); the Act of February 28, 1891, as amended (25 U.S.C. 397); the Act of May 29, 1924 (25 U.S.C. 398); the Act of March 3, 1927 (25 U.S.C. 398a-398e); the Act of June 30, 1919, as amended (25 U.S.C. 399); R.S. 441 (43 U.S.C. 1457); Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41); the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 *et seq.*); the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4331 *et seq.*); the Act of December 12, 1980 (42 U.S.C. 6508); the Combined Hydrocarbon Leasing Act of 1981 (95 Stat. 1070); the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 *et seq.*); and the Indian Mineral Development Act of 1982 (25 U.S.C. 2102 *et seq.*).

2. Section 3164.1(b) is amended by adding the following entry to the table:

§ 3164.1 Onshore oil and gas orders.

(b) ***

Order No.	Subject	Effective date	Federal Register reference	Supersedes
8.	Well Completions/Workovers/Abandonments.....			None.

Note: Numbers to be assigned sequentially by the BLM as proposed Orders are prepared for publication.

Dated: Nov. 7, 1990.

Deputy Assistant Secretary of the Interior
James M. Hughes

Appendix—Text of Oil and Gas Order No. 8

Note: This appendix will not appear in the Code of Federal Regulations.

Onshore Oil and Gas Order No. 8—Well Completions/Workers/Abandonments

I. Introduction

- A. Authority
- B. Purpose
- C. Scope

II. Definitions

III. Requirements

A. Completions

- 1. Approval and Reporting Requirements
- 2. Informational Requirements

3. Operational Requirements

B. Workovers

- 1. Approval and Reporting Requirements
- 2. Informational Requirements
- 3. Operational Requirements

C. Temporary Abandonment

- 1. Approval and Reporting Requirements
- 2. Informational Requirements
- 3. Operational Requirements

D. Permanent Abandonment of Exhausted Producers or Service Wells

- 1. Approval and Reporting Requirements
- 2. Informational Requirements

3. Operational Requirements

IV. Variance from Minimum Standards

I. Introduction

A. Authority

This Order is established pursuant to the authority granted to the Secretary of the Interior under various Federal and Indian mineral leasing statutes and the Federal Oil and Gas Royalty Management Act of 1982. This authority has been delegated to the BLM and is implemented by the onshore oil and gas operating regulations contained in 43 CFR part 3160. Section 3164.1 thereof specifically authorizes the Director, BLM, to issue Onshore Oil and Gas Orders when necessary to implement or supplement the operating regulations, and provides that all such Orders shall be binding on the lessees and operators of Federal and Indian (except Osage) oil and gas leases which have been, or may thereafter, be issued.

Specific authorities for the provisions contained in this Order are found at:

- § 3162.3-1 Drilling Applications and Plans
- § 3162.3-4 Well Abandonment
- § 3162.4-1 Well Records and Reports
- § 3162.4-2 Samples, Tests, and Surveys
- § 3162.5-1 Environmental Obligations
- § 3162.5-2 Control of Wells
- § 3162.5-2(a) Drilling Wells
- § 3162.5-3 Safety Precautions

Subpart 3163—Noncompliance, Assessment, and Penalties

- § 3165.3 Notice, State Director Review and Hearing on the Record; and
- § 3165.4 Appeals

B. Purpose

This Onshore Order details the BLM's national standards for the minimum levels of performance expected from operators when conducting well completions, workovers, and abandonments on Federal and Indian lands (except Osage). It also identifies the enforcement actions that will result when violations of the minimum standards are found, and when those violations are not abated in a timely manner.

C. Scope

This Order is applicable to all onshore Federal and Indian (except Osage) oil and gas leases. Abandonment of newly-drilled dry or nonproductive wells is covered in Onshore Oil and Gas Order No. 2.

II. Definitions

A. *Abandonment operations* means work conducted to permanently secure a well after the producible hydrocarbons are depleted, and a determination has been made that the well cannot serve

any other useful purpose in the foreseeable future.

B. *Authorized officer* means any employee of the BLM authorized to perform the duties described in 43 CFR Groups 3000 and 3100.

C. *Authorized representative* means any entity or individual authorized by the Secretary to perform duties described in this Order by cooperative agreement, delegation or contract.

D. *Blowout preventer (BOP)* means a device attached to the wellhead that allows the well to be sealed or controlled with or without a string of pipe or wireline in the wellbore.

E. *Completion operations* means work conducted to establish the producibility or serviceability of a well after the production-casing string has been set and cemented.

F. *Functional operating test* means activating equipment without subjecting it to wellbore pressure.

G. *Major violation* means noncompliance that causes or threatens immediate, substantial, and adverse impacts on public health and safety, the environment, production accountability, or royalty income.

H. *Minor violation* means noncompliance that does not rise to the level of a major violation.

I. *Plugging fluid* means a slurry, comprised of bentonite or other flocculent or viscosifier and water, and possibly other additives, needed to achieve the required weight and consistency to stabilize the hole.

J. *Prompt correction* means immediate correction of violations, with operations suspended if required by the authorized officer or representative.

K. *Recompletion* means conducted to reestablish producibility or serviceability of a well in any geologic horizon.

L. *Routine well maintenance* means work conducted on a well without altering its configuration including replacement or repair of malfunctioning equipment, clean out, or evaluation. This work includes but is not limited to:

1. Cutting paraffin and hot oil treatment;
2. Pulling rods and tubing;
3. Bailing sand;
4. Pressure surveys;
5. Swabbing;
6. Scale or corrosion treatment such as acid washes where any acid returned to the surface is retained;
7. Caliper and gauge surveys;
8. Removing or replacing subsurface pumps;
9. Logging; and
10. Fishing.

M. *Tagging the plug* means running in the hole with a string of tubing or drill

pipe and placing weight on the plug. Other methods of tagging the plug may be approved by the authorized officer or representative.

N. *Temporarily abandoned well* means a well which is physically or mechanically incapable of producing oil and/or gas of sufficient value to exceed direct operating costs but may have value as a service completion for enhanced recovery or water disposal.

O. *Usable water* means water containing up to 10,000 parts per million (ppm) of total dissolved solids.

P. *Well worker operations* means work conducted to maintain, restore, or increase production or serviceability of a well in the geologic horizon(s) that the well is currently completed in.

III. Requirements

All well completions, workovers, and abandonment operations on Federal and Indian leases shall be conducted in a manner that assures the operations do not result in undue damage to surface or subsurface resources.

Violation: Major.

Corrective Action: Conduct corrective measures.

Normal Abatement Period: Prompt correction required.

A. Completions

1. Approval and Reporting Requirements.

a. A routine single zone completion does not require approval.

b. A well completion procedure that is included as part of the approved Application for Permit to Drill, Deepen, or Plug Back, Form 3160-3 (hereafter referred to as the ADP) does not require further approval. Informational requirements for the APD are contained in Onshore Oil and Gas Order No. 1.

c. If the well completion procedure has not been described in the APD, it shall be submitted for approval on a Sundry Notice and Report on Well, Form 3160-5 (hereafter referred to as the Sundry Notice) before initiating the operation.

For all procedures listed above, the operator shall submit a Well Completion or Recompletion Report and Log, Form 3160-4 (hereafter referred to as the Completion Report) within 30 days of moving the rig off location.

2. Informational Requirements.

a. The following information shall be included in the Sundry Notice: a brief description of the methods and equipment to be used for perforating, testing, formation treatment, and handling of any production; the geologic horizon; and proposed depth of the perforations.

3. Operational Requirements.

a. As specified in section III. A.1., the operator shall obtain approval before initiating a well completion.

Violation: Major.

Corrective Action: Stabilize well, cease operations, and apply for approval.

Normal Abatement Period: Prompt correction required.

b. Any oil produced shall be stored in a tank. No oil shall be placed in an earthen pit unless approved by the authorized officer or representative, or during an emergency that results from an uncontrolled flow of oil.

Violation: Major.

Corrective Action: Remove oil from earthen pit.

Normal Abatement Period: 24 hours.

c. The operator shall obtain prior approval from the authorized officer or representative to use surface pits for handling or storing fluids used during as well completion.

Violation: Minor.

Corrective Action: Apply for approval.

Normal Abatement Period: Prompt correction required.

Requirements and enforcement actions for use of surface pits to dispose of produced water are contained in Onshore Oil and Gas Order No. 7.

d. No later than 10 days following completion of down-hole operations, all surface pits used for handling or storing fluids shall be properly emptied and backfilled. Extensions may be granted by the authorized officer or representative to retain pits on a case-by-case basis.

Violation: Minor.

Corrective Action: Empty and backfill pit.

Normal Abatement Period: 48 hours.

e. A Completion Report and two copies of all logs shall be submitted within 30 days of moving the rig off location.

Violation: Minor.

Corrective Action: Submit required report and logs.

Normal Abatement Period: 20 days.

B. Workovers**1. Approval and Reporting Requirements.**

a. Unless additional surface disturbance is involved, neither prior approval nor a subsequent report is required for routine well maintenance or for repair, replacement, or modification of surface production equipment.

b. Unless additional surface disturbance is involved, no prior approval is required for hydraulic fracturing, acidizing jobs where the acid does not return to the surface, or other workover operations. However, a

subsequent report shall be submitted on a Sundry Notice (Form 3160-5) within 30 days of the completion of these operations.

c. Prior approval on the APD (Form 3160-3) shall be required for deepening or plugging back operations. A Completion Report (Form 3160-4) shall be submitted within 30 days of moving the rig off location.

d. Prior approval on a Sundry Notice shall be required for all other well operations such as repairing or altering casing, performing explosive fracturing or acidizing jobs where the acid returns to the surface, and converting to an injection or disposal well. A subsequent report shall be submitted on a Sundry Notice within 30 days of the completion of these operations. Any plans to use surface pits shall be applied for on the same form prior to commencing operations.

2. Informational Requirements.

a. For workover operations that require prior approval on the APD or Sundry Notice, the following information, where applicable, shall be attached to and made part of the forms:

- (1) Objectives of the workover;
- (2) Equipment that will be used to achieve the objectives (e.g., workover rig, wireline unit, coiled tubing unit);
- (3) Anticipated pressure, control procedures, and equipment;
- (4) Additives, density, and type of fluid to be used in the operation;
- (5) Plan for disposition of the acid that returns to the surface;
- (6) Detailed program of any explosive fracturing operation;
- (7) Any anticipated hazards (e.g., high pressure, presence of H_2S gas) and plans to mitigate such hazards;
- (8) Any plans to disturb additional surface acreage or to use existing pits;
- (9) Estimated volume of gas to be flared or vented during the operation and plans to measure such gas;
- (10) Testing and anticipated recompletion procedures when deepening a well; and
- (11) The location and type of plug when plugging back a well. If a cement plug is used, the amount and type of cement shall be specified.

3. Operational Requirements.

a. As specified in section III B.1., the operator shall obtain approval from the authorized officer or representative before initiating a well workover.

Violation: Major.

Corrective Action: Stabilize well, cease operations, and apply for approval.

Normal Abatement Period: Prompt correction required.

b. A blowout preventer and related equipment (BOPE) shall be installed and

tested prior to working in (1) high pressure zones, (2) zones where the bottom pressures are not known, or (3) zones where H_2S is known to exist. The minimum BOPE shall consist of an appropriate pressure-rated double ram preventer and/or annular preventer, and sufficient valving to permit fluid circulation at the surface.

Violation: Major.

Corrective Action: Stabilize well, cease operations, and install the equipment as specified.

Normal Abatement Period: Prompt correction required.

c. All pipe fittings and valves placed on or connected with a BOPE, well casing, casinghead, drill pipe, or tubing shall have a working pressure rating for the maximum pressure anticipated at the well surface.

Violation: Major.

Corrective Action: Install the proper rated equipment.

Normal Abatement Period: Prompt correction required.

d. Blowout preventers shall be capable of closing on the pipe or tools being used. High-pressure lines such as choke or kill lines shall be secured by tying or anchoring to prevent whipping resulting from pressure surges.

Violation: Major.

Corrective Action: Stabilize well, cease operations, and install the equipment as specified.

Normal Abatement Period: Prompt correction required.

e. If the blind rams are closed for any purpose, the valves on the choke line(s) or relief line(s) below the blind rams shall be opened prior to opening the rams to bleed off any pressure.

Violation: Major.

Corrective Action: Bleed off pressure.

Normal Abatement Period: Prompt correction required.

f. While in service, the BOPE shall be inspected and a functional operating test shall be performed daily.

Violation: Minor.

Corrective Action: Conduct the inspection and test.

Normal Abatement Period: 24 hours.

g. Performance of the functional operating test shall be noted either on the daily operator or daily contractor report, as appropriate.

Violation: Minor.

Corrective Action: Make notation of test of the report.

Normal Abatement Period: 24 hours.

h. Operators shall comply with Onshore Oil and Gas Order No. 6 (Hydrogen Sulfide Operations) in appropriate circumstances.

i. Minimum standards and enforcement actions for the use of

surface pits during workover operations are prescribed in section III.A.3.b., c., and d.

k. A Completion Report or Sundry Notice, as appropriate, shall be submitted within 30 days of moving the rig off location.

Violation: Minor.

Corrective Action: Submit the required reports.

Normal Abatement Period: 20 days.

C Temporary Abandonment

1. Approval and Reporting Requirements.

a. No well shall be temporarily abandoned for more than 30 days without prior approval from the authorized officer or representative. The authorized officer or representative may authorize a delay in the permanent abandonment of a well for a period of 12 months. When justified by the operator, the authorized officer or representative may authorize additional delays, no one of which may exceed an additional 12 months (43 CFR 3162.3-4 (c)).

b. Prior approval on a Sundry Notice (Form 3160-5) shall be required for temporary abandonment operations. A subsequent report shall be submitted on a Sundry Notice within 30 days of completion.

2. Informational Requirements.

a. The following information shall be attached to and made part of a Sundry Notice:

- (1) Rationale for temporarily abandoning rather than permanently abandoning or producing the well;
- (2) The time period, up to 12 months, that the well will be temporarily abandoned;
- (3) Plans for testing the down-hole integrity of the well;
- (4) Plans for isolating the perforations from the surface; and
- (5) Plans for securing the wellhead at the surface.

3. Operational Requirements.

a. No well shall be temporarily abandoned for more than 30 days without prior approval from the authorized officer or representative.

Violation: Minor.

Corrective Action: Apply for approval.

Normal Abatement Period: 20 days.

b. No operations shall be commenced to temporarily abandon a well without prior approval from the authorized officer or representative.

Violation: Major.

Corrective Action: Stabilize well, cease operations, and apply for approval.

Normal Abatement Period: Prompt correction required.

c. A casing integrity test shall be conducted to ensure that the casing,

including any packers or plugs, will hold a minimum of 70 percent of the internal yield of the casing being tested minus the hydrostatic pressure of the test fluid at the deepest point for a minimum of 30 minutes, with less than 10 percent decline. An alternative test method shall consist of filling the casing with an inert fluid and conducting a pressure test to 500 pounds per square inch gauge with no pressure drop within 30 minutes. One or the other of these tests shall be required at least once every three years. The requirement for the initial test shall be a condition of approval for temporarily abandoned status and shall be performed within 30 days of such status approval unless the subject well is a recently drilled well in which case it is at the discretion of the authorized officer or representative to determine when the initial test shall be required. The testing results shall be submitted on or attached to a Sundry Notice within 30 days of completion. Any temporarily abandoned well approved as a Class II injection well shall be subject to those testing requirements of the primacy State and not subject to either of these integrity tests.

Violation: Minor.

Corrective Action: Perform the necessary test and submit the required report.

Normal Abatement Period: 30 days.

d. A retrievable or a permanent-type bridge plug or a cement plug at least 50 feet in length shall be set in the casing within 100 feet above the producing interval.

Violation: Minor.

Corrective Action: Place the plug as specified.

Normal Abatement Period: 30 days.

e. The wellhead shall be secured.

Violation: Minor.

Corrective Action: Secure the wellhead.

Normal Abatement Period: 30 days.

f. A subsequent report shall be submitted on a Sundry Notice within 30 days of the completion of operations to temporarily abandon a well.

Violation: Minor.

Corrective Action: Submit the required report.

Normal Abatement Period: 20 days.

D. Permanent Abandonment of Exhausted Producers or Service Wells

1. Approval and Reporting Requirements.

The operator shall submit a notice of intent to abandon on a Sundry Notice (Form 3160-5) to the authorized officer or representative for approval prior to commencing abandonment operations. A subsequent report shall be submitted on a Sundry Notice within 30 days after

the completion of the down-hole plugging operation, and a final abandonment notice shall be submitted on a Sundry Notice with 30 days after completing surface restoration.

2. Informational Requirements.

Plugging design for an abandonment hole shall include the following minimum standards:

a. *Open Hole.* A cement plug shall be placed to extend at least 50 feet below the bottom (except as limited by total depth (TD) or plugged back total depth (PBSD)), to at least 50 feet above the top of:

- (1) Any zones which contain fluid(s) with a potential to migrate;
- (2) Any valuable resources including but not limited to usable water, hydrocarbons, coal, oil shale, potash; and

(3) The production casing shoe.

Extremely thick sections of a single formation may be secured by placing 100-foot plugs across the top and bottom of the formation.

In the absence of productive zones or prospectively valuable deposits of minerals which otherwise require placement of cement plugs, long sections of open hole shall be plugged at least every 3,000 feet. Such plugs shall be placed across in-gauge sections of the hole, unless otherwise approved by the authorized officer or representative.

All cement plugs, except the surface plug, shall have sufficient slurry volume to fill at least 100 feet of the hole, plus an additional 10 percent of slurry for each 1,000 feet of depth.

b. *Cased Hole.* A cement plug shall be placed opposite all open perforations and extend to a minimum of 50 feet below (except as limited by TD or PBSD) to at least 50 feet above the perforated interval. All cement plugs, except the surface plug, shall have sufficient slurry volume to fill at least 100 feet of hole, plus an additional 10 percent of slurry for each 1,000 feet of depth. In lieu of the cement plug, a bridge plug or retainer is acceptable, provided:

- (1) The bridge plug or retainer is set within 100 feet above the open perforations;
- (2) The perforations are isolated from any open hole below; and
- (3) The bridge plug or retainer is capped with at least 50 feet of cement. If a bailer is used to cap this plug, 35 feet of cement shall be sufficient.

c. *Casing Removed from Hole.* If any casing is cut and recovered, a cement plug shall be placed to extend at least 50 feet above and below the stub, and an additional cement plug placed to extend a minimum of 50 feet above and below

the shoe of the surface casing or intermediate string, as appropriate. The exposed hole resulting from casing removal shall be secured as required in item 2a.

d. *Annular Space.* Whenever a cement plug is placed in casing where the annular space is not cemented, the uncemented annular section shall be cemented by perforating and circulating, using the one-inch tubing method, or any other method approved by the authorized officer or representative.

e. *Testing.* Any cement plug which is the only isolating medium for a zone containing usable water or a valuable mineral deposit shall be tested by either tagging the plug or pressuring to a minimum pump (surface) pressure of 1,000 psi, with no more than a 10 percent drop during a 15-minute period (cased hole only). If the placement and/or integrity of any other plug is questionable, it shall be tested in the same manner.

f. *Silica Sand or Silica Flour.* Silica sand, silica flour or other equivalent materials shall be added to cement exposed to bottom hole static temperatures above 230 degrees Fahrenheit to prevent heat degradation of the cement.

g. *Surface plug.* A cement plug of at least 50 feet shall be placed in the smallest casing and all annuli which extends to the surface. The top of the plug shall be placed as near to the eventual casing cutoff point as possible.

h. *Plugging Fluid.* Each of the intervals between the plugs shall be filled with fluid of sufficient density to exert hydrostatic pressure exceeding the greatest formation pressure encountered when drilling through such interval. In the absence of other information at the time plugging is approved, a minimum fluid weight of 9.0 pounds per gallon shall be specified.

i. *Surface Cap.* All casing shall be cut off at the base of the cellar or 3 feet below the final restored ground level, whichever is deeper. The cellar shall be filled from the cutoff point to the restored ground surface with suitable material.

j. *Abandonment Marker.* A permanent monument shall be required for each abandoned well, unless otherwise requested by the private surface owner or surface management agency, and then only if a waiver is granted in writing by the authorized officer or representative. The marker shall be at least 4 feet above the reclaimed ground level and securely anchored. The pipe shall be capped and inscribed with the name of the operator, the lease serial number, the well number, and the

surveyed description of the well (43 CFR 3162.6(d)).

k. *Surface Reclamation.* When a well site is to be permanently abandoned, the surface of the lands disturbed in connection with the conduct of operations shall be reclaimed in a timely manner and in accordance with a reclamation plan. If the well and other facilities are not covered by a previously-approved reclamation plan, a plan shall be submitted with a Sundry Notice.

3. Operational Requirements.

a. Prior to commencing abandonment operations, the operator shall submit a notice of intent to abandon on a Sundry Notice and receive approval. The notice shall include plans that meet the above minimum requirements, as appropriate, and will describe the type, additives, and yield of the cement to be used.

Violation: Major.

Corrective Action: Stabilize well, cease operations, and apply for approval.

Normal Abatement Period: Prompt correction required.

Failure to meet this requirement will result in an immediate assessment of \$500 (43 CFR 3163.1(b)(3)).

b. All plugging operations shall be conducted in accordance with the design criteria as specified on a Sundry Notice. Any variance of the criteria shall receive prior approval from the authorized officer or representative.

Violation: Major.

Corrective Action: Conduct remedial operations to meet the approved design criteria.

Normal Abatement Period: Prompt correction required.

c. A subsequent report of the down-hole plugging operation shall be submitted on a Sundry Notice within 30 days of completion.

Violation: Minor.

Corrective Action: Submit required report.

Normal Abatement Period: 20 days.

d. A final abandonment notice shall be submitted on a Sundry Notice within 30 days of completion of the required surface reclamation.

Violation: Minor.

Corrective Action: Submit required report.

Normal Abatement Period: 20 days.

IV. Variance from Minimum Standards

An operator may request the authorized officer or representative to approve a variance from any of the minimum standards prescribed in section III hereof. All such requests shall be submitted in writing to the authorized officer or representative and provide information as to the circumstances

which warrant approval of the variance(s) requested and the proposed alternative methods by which the related minimum standard(s) are to be satisfied. The authorized officer or representative, after considering all relevant factors, may approve the requested variance(s) if it is determined that the proposed alternative(s) meet or exceed the objectives of the applicable minimum standard(s).

In the case of emergency or other situations of an immediate nature, approval may be given orally by the authorized officer or representative to proceed with a well completion, workover, or abandonment operation. However, such requests shall be followed by a written notice filed not later than the fifth business day following oral approval.

[FR Doc. 91-10630 Filed 5-3-91; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 47 and 52

[FAR Case 91-11]

Federal Acquisition Regulation (FAR); Shipment to Ports and Air Terminals

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are proposing revisions to coverage at 47.305-6, 52.247-51 and alternate I of 52.247-51 of the Federal Acquisition Regulation (FAR) to require contracting officers to publish, with the solicitation, any available information on port handling and ocean charges. Based on a Defense Management Review (DMR), this particular change would delete coverage previously contained in lower-level supplements.

DATES: Comments should be submitted to the FAR Secretariat at the address shown below on or before July 5, 1991 to

be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW, room 4041, Washington, DC 20405.

Please cite FAR Case 91-11 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Fayson, FAR Secretariat, room 4041, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAR Case 91-11. For information pertaining to this case, contact Ms. Linda Klein at (202) 501-3775.

SUPPLEMENTARY INFORMATION:

A. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the revision will not have a significant cost or administrative impact on contractors. Comments are nonetheless solicited from small businesses and other interested parties. Comments from small entities concerning the affected FAR subsection will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite 5 U.S.C. 601, *et seq.* (FAR Case 91-11) in correspondence.

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 47 and 52.

Government procurement.

Dated: April 25, 1991.

Albert A. Vicchiollia,
Director, Office of Federal Acquisition Policy.

Therefore, it is proposed that 48 CFR parts 47 and 52 be amended as set forth below:

1. The authority citation for 48 CFR parts 47 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 47—TRANSPORTATION

2. Section 47.305-6 is amended by redesignating paragraph (e) introductory text through (e)(3) as (e)(1) through

(e)(1)(iii) respectively; and by adding paragraph (e)(2) to read as follows:

47.305-6 Shipments to ports and air terminals.

(e) * * *

(2) Port handling and ocean charges available at the time of issuance of a solicitation shall be published in solicitations for the acquisition of supplies for overseas shipment.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 52.247-51 is amended by revising the introductory text, the date in the clause heading, and paragraphs (a), (d), and Alternate I of the clause, to read as follows:

52.247-51 Evaluation of Export Offers.

As prescribed in 47.305-6(e), insert the following provision:

Evaluation of Export Offers (Apr. 1991)

(a) *Port handling and ocean charges—other than DOD water terminals.* Tentative port handling and ocean freight charges are set forth in paragraph (d) of this provision for the information of Offerors. In evaluating offers received, the Government will use the port handling and ocean charges in tariffs on file with the Bureau of Domestic Regulation, Federal Maritime Commission; Directorate of International Traffic, Military Traffic Management Command; or other appropriate regulatory authorities as of the date of bid opening (or the closing date specified for receipt of offers) and effective for the date of the expected initial shipment. A list of port handling and ocean freight charges actually used in the evaluation, if substituted for any listed in this solicitation, will be furnished to interested Offerors upon request.

(d) *Ports of loading for evaluation of offers and tentative ocean and port handling charges.* Ports to be used by the Government in evaluating offers and tentative ocean and port handling charges are as follows:

Port(s) of loading	Combined ocean and port handling charges to	Unit of measure: i.e., metric ton, measurement ton, cubic foot, etc.
	(country)	

Alternate I (APR 1991). When the CONUS ports of export are DOD water terminals, delete paragraph (a) from the basic provision and substitute the following paragraph (a):

(a) *Port handling and ocean charges—DOD water terminals.* Tentative port handling and ocean freight charges are set forth in paragraph (d) of this provision for the information of offerors. In evaluating offers received, the Government will use the port handling and ocean charges made available by the Directorate of International Traffic, Military Traffic Management Command rate information letters on file as of the date of bid opening (or closing date specified for receipt of the offers) and effective for the date of the expected initial shipment. A list of port handling and ocean freight charges actually used in the evaluation, if substituted for any listed in the solicitation, will be furnished to interested Offerors upon request.

[FR Doc. 91-10618 Filed 5-3-91; 8:45 am]

BILLING CODE 6320-34-M

OFFICE OF PERSONNEL MANAGEMENT

48 CFR Parts 1631, 1649, and 1652

RIN 3206-AE47

Federal Employees Health Benefits Acquisition Regulations; Termination of Contracts

AGENCY: U.S. Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management is identifying the sections of 5 U.S.C., chapter 89, and 5 CFR part 890, which govern the termination of FEHB contracts. This clarification is necessary because different sections of the law and regulations govern different types of contract terminations. This rule also implements the State premium tax provisions of section 7002(c) of Public Law 101-508.

DATES: Comments must be received on or before July 5, 1991.

ADDRESSES: Written comments may be sent to Andrea Minniear Farran, Assistant Director for Retirement and Insurance Policy, Retirement and Insurance Group, Office of Personnel Management, P.O. Box 57, Washington, DC 20044, or delivered to OPM, room 4351, 1900 E Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Abby Block (202) 606-0775, ext. 207.

SUPPLEMENTARY INFORMATION: Section 1649.002-70 of title 48 of the Code of Federal Regulations (FEHBA) identifies which sections of the Federal Employees Health Benefits (FEHB) law and regulations control the termination of a contract under the FEHB Program. Currently, this FEHBA section deals only with the withdrawal of approval of

a health benefits plan or carrier. These proposed regulations control the nonrenewal of an FEHB contract at the end of the contract term.

The proposed regulation also amends part 1631 of title 48 of the Code of Federal Regulations to implement section 7002(c) of Public Law 101-508, which exempts FEHB Program carriers, underwriters, and plan administrators, from State taxes on FEHB premiums. Under the provisions of the Federal Acquisition Regulation [FAR 31.205-41], such taxes have previously been chargeable to the FEHB contract. The new law necessitates a clarification to this provision in OPM's implementing regulations at 1631.205-41 stating that the charge of a premium tax by a carrier to the FEHB contract will not be an allowable cost.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily clarify existing regulations.

List of Subjects in 48 CFR Parts 1631, 1649 and 1652

Administrative practice and procedure, Government contracts, Health insurance.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

Accordingly, OPM proposes to amend 48 CFR parts 1631, 1649 and 1652 as follows:

PART 1631—CONTRACT COST PRINCIPLES AND PROCEDURES

1. The authority citation for part 1631 continues to read as follows:

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

2. In subpart 1631.2 a new 1631.205-41 is added to read as follows:

1631.205-41 Taxes.

5 U.S.C. 8909(f)(1) prohibits the imposition of taxes, fees, or other monetary payment, directly or indirectly, on FEHB premiums by any State, the District of Columbia, or the Commonwealth of Puerto Rico, or by any political subdivision or other governmental authority of those entities. Therefore, FAR 31.205-41 is modified to include those taxes as unallowable costs.

PART 1649—TERMINATION OF CONTRACTS

1. The authority citation for part 1649 continues to read as follows:

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

2. Section 1649.002-70 is revised to read as follows:

1649.002-70 Applicability of the FAR to FEHB acquisitions.

(a) Termination of FEHB contracts because of withdrawal of approval is controlled by 5 U.S.C. 8902(e) and 5 CFR 890.204.

(b) Termination of FEHB contracts because of nonrenewal of the contract at the end of the contract term is controlled by 5 U.S.C. 8902(a) and 5 CFR 890.205.

(c) The procedures for settlement of contracts after they are terminated shall be those contained in FAR part 49.

PART 1652—CONTRACT CLAUSES

1. The authority citation for part 1652 continues to read as follows:

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

2. Section 1652.216-71 is amended by revising the second sentence of

paragraph (b)(2)(ii) as set forth below; by removing the designation "(A)" from paragraph (b)(2)(iv); and by removing paragraph (b)(2)(iv)(B).

1652.216-71 Accounting and allowable cost.

* * *

(b) * * *

(2) * * *

(ii) * * * Unless otherwise stated in the contract, administrative expenses include, in part: All taxes (excluding premium taxes, as provided in section 1631.205-41), insurance and reinsurance premiums, medical and dental consultants used in the adjudication process, concurrent or managed care review when not billed by a health care provider and other forms of utilization review, the cost of maintaining eligibility files, legal expenses incurred in the litigation of benefit payments and bank charges for letters of credit. * * *

3. Section 1652.249-70 is amended by revising paragraph (a) to read as follows:

1652.249-70 Renewal and withdrawal of approval.

* * *

(a) Pursuant to 5 U.S.C. 8902(a), the contract renews automatically for a term of 1 year each January 1st, unless written notice of intent not to renew is given either by OPM or the Carrier not less than 60 calendar days before the renewal date, or unless modified by mutual agreement

* * *

[FR Doc. 91-10637 Filed 5-3-91; 8:45 am]

BILLING CODE 6325-01-M

Notices

Federal Register

Vol. 56, No. 87

Monday, May 6, 1991

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Fire-Cured (Type 21), Fire-Cured (Types 22-23), Dark Air-Cured (Types 35-36), Virginia Sun-Cured (Type 37), and Cigar-Filler and Binder (Types 42, 43, 44, 53, 54 & 55) Tobaccos; 1991-92 Marketing Quotas and Acreage Allotments

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), U.S. Department of Agriculture (USDA).

ACTION: Notice of determination of 1991-92 marketing quotas and acreage allotments.

SUMMARY: The purpose of this notice is to affirm determinations which were made by the Secretary of Agriculture on March 1, 1991, with respect to the 1991 crops of fire-cured (type 21), fire-cured (types 22-23), dark air-cured (types 35-36), Virginia sun-cured (type 37), and cigar-filler and binder (types 42-44 & 53-55) tobaccos. In addition to other determinations, the Secretary declared national acreage allotments for the following kinds of tobaccos: fire-cured (type 21), 3,900 acres; fire-cured (types 22-23), 15,037 acres; dark air-cured (types 35-36), 5,142 acres; Virginia sun-cured (type 37), 213 acres; and cigar-filler and binder (types 42-44 & 53-55), 11,505 acres.

This notice also affirms the proclamation made by the Secretary that marketing quotas will be in effect for fire-cured (types 21-23) and dark air-cured (types 35-36) tobaccos for the three marketing years beginning October 1, 1991, and sets forth the results of the referenda held during the period March 25-28, 1991, in which producers of both kinds of tobacco approved marketing quotas for the 1991-92, 1992-93, and 1993-94 marketing years.

EFFECTIVE DATE: March 1, 1991.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Economist, Commodity Analysis Division, ASCS, room 3736 South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-8839. The final Regulatory Impact Analysis describing the options considered in developing this notice and the impact of implementing each option is available on request from Robert L. Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512-1 and has been classified "not major." This action has been classified "not major" since implementation of these determinations will not result in: (1) An annual effect on the economy of \$100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this notice applies are: Title—Commodity Loans and Purchases; Number 10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since ASCS or Commodity Credit Corporation (CCC) are not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

The purpose of this notice is to affirm the determinations of the national marketing quotas for the 1991 crops of fire-cured (type 21), fire-cured (types 22-23), dark air-cured (types 35-36), Virginia sun-cured (type 37), and cigar-filler and binder (types 42-44 & 53-55) tobacco which were announced by the Secretary on March 1, 1991, and to set

forth certain other determinations with respect to these kinds of tobacco. On March 1, 1991, the Secretary also announced that referenda would be conducted by mail with respect to fire-cured and dark air-cured tobaccos.

During the period March 25-28, 1991, eligible fire-cured and dark air-cured producers voted in separate referenda, to determine whether such producers disapprove marketing quotas for the 1991-92, 1992-93, and 1993-94 marketing years for these tobaccos. Of the producers voting, 89.3 percent favored marketing quotas for fire-cured tobacco while 88.9 percent favored marketing quotas for dark air-cured tobacco. Accordingly, quotas for these kinds are in effect for the 1991-92 marketing year.

In accordance with section 312(a) of the Agricultural Adjustment Act of 1938, as amended (the "Act"), the Secretary of Agriculture is required to proclaim not later than March 1 of any marketing year with respect to any kind of tobacco, other than burley and flue-cured tobacco, a national marketing quota for any such kind of tobacco for each of the next three marketing years if such marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect. With respect to fire-cured and dark air-cured tobaccos, the 1990-91 marketing year is the last year of three such consecutive years. Accordingly, a marketing quota for fire-cured and dark air-cured tobaccos are proclaimed for each of the three marketing years beginning October 1, 1991, October 1, 1992, and October 1, 1993. Sections 312 and 313 of the Act also provide that the Secretary shall announce the reserve supply level and the total supply of fire-cured (type 21), fire-cured (types 22-23), dark air-cured (types 35-36), Virginia sun-cured (type 37), and cigar-filler and binder (types 42-44 & 53-55) tobaccos for the marketing year beginning October 1, 1990, and the amounts of the national marketing quotas, national acreage allotments, and national acreage factors for apportioning the national acreage allotments (less reserves) to old farms, and the amounts of the national reserves and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for fire-cured (type 21), fire-cured (types 22-23), dark air-cured (types 35-36), Virginia sun-cured (type

37), cigar-filler and binder (types 42-44 & 53-55) tobaccos for the 1991-92 marketing year.

Section 312(b) of the Act provides, in part, that the amount of the national marketing quota for a kind of tobacco is the total quantity of that kind of tobacco which may be marketed which will make available during such marketing year a supply of such tobacco equal to the reserve supply level. Since producers of these kinds of tobacco generally produce less than their respective national acreage allotments, it has been determined that a larger quota would be necessary to make available production equal to the reserve supply level. The amount of the national marketing quota so announced may, not later than the following March 1, be increased by not more than 20 percent if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

Section 301(b)(14)(B) of the Act defines "reserve supply level" as the normal supply, plus 5 percent thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty. The "normal supply" is defined in section 301(b)(10)(B) of the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic use and 65 percent of a normal year's exports as an allowance for a normal year's carryover. A "normal year's domestic consumption" is defined in section 301(b)(11)(B) of the Act as the average quantity produced and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

A "normal year's exports" is defined in section 301(b)(12) of the Act as the average quantity produced in and exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

On January 24, 1991, a Notice of Proposed Determination was published (56 FR 2737) in which interested persons were requested to comment with respect to these issues.

Discussion of Comments

Twelve written responses were received in response to the Notice of Proposed Determination. Some respondents discussed more than one

kind of tobacco. A summary of these comments by kind of tobacco is as follows:

Fire-cured (type 21) tobacco: Two comments were received. They recommended that the marketing quotas established for this kind of tobacco be the same as those for 1990 marketing year.

Fire-cured (types 22-23) tobacco: Seven comments were received. Recommendations ranged from a 25 percent reduction in quota to no change from the 1990 marketing quota.

Virginia sun-cured (type 37) tobacco: Two comments were received. They recommended that marketing quotas established for this kind of tobacco be established at the same level that was applicable for the 1990 marketing year.

Cigar-filler and binder (types 42-44 & 53-55) tobacco: Five comments were received. These comments ranged from a 15 percent decrease in quota to no change in quota from the 1990 marketing year.

Dark air-cured (types 35-36) tobacco: Eight comments were received. Recommendations ranged from no change to a 20 percent increase in the quota.

Based upon a review of these comments and the latest available statistics of the Federal Government, the following determinations have been made.

Fire-Cured (Type 21) Tobacco

The yearly average quantity of fire-cured (type 21) tobacco produced in the United States, which is estimated to have been consumed in the United States, during the 10 marketing years preceding the 1990-91 marketing year was approximately 1.9 million pounds. The average annual quantity of fire-cured (type 21) tobacco produced in the United States and exported from the United States during the 10 marketing years preceding the 1990-91 marketing year was 2.3 million pounds (farm sales weight basis). Domestic use has trended sharply downward. Accordingly, a normal year's domestic consumption has been determined to be 0.9 million pounds and a normal year's exports have been determined to be 2.5 million pounds. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 6.9 million pounds.

Manufacturers and dealers reported stocks of fire-cured (type 21) tobacco held on October 1, 1990, of 5.4 million pounds. The 1990 fire-cured (type 21) tobacco crop is estimated to be 2.9 million pounds. Therefore, the total supply of fire-cured (type 21) tobacco for the 1990-91 marketing year is 8.3 million

pounds. During the 1990-91 marketing year, it is estimated that disappearance will total approximately 3.0 million pounds. By deducting this disappearance from the total supply, a carryover of 5.3 million pounds at the beginning of the 1991-92 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1991, is 1.6 million pounds. This represents the quantity of fire-cured (type 21) tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level.

During the past 5 years, slightly more than 40 percent of the announced national marketing quota has been produced. Accordingly, it has been determined that a national marketing quota of 3.9 million pounds is necessary to make available production of 1.6 million pounds. In accordance with section 312(b) of the Act, it has been further determined that the 1991-92 national marketing quota must be increased by 20 percent in order to avoid undue restriction of marketings. This results in a national marketing quota of 4.68 million pounds for the 1991-92 marketing year.

In accordance with section 313(g) of the Act, the 1991-92 national marketing quota divided by the 1986-90, 5-year national average yield of 1,200 pounds per acre results in a 1991 national acreage allotment of 3,900.00 acres.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 27.0 acres, by the total of 1991 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the Act for apportioning the national acreage allotment, less the national reserve, to old farms.

Fire-Cured (Types 22-23) Tobacco

The yearly average quantity of fire-cured (types 22-23) tobacco produced in the United States estimated to have been consumed in the United States during the 10 years preceding the 1991-92 marketing year was approximately 17.7 million pounds. The average annual quantity of fire-cured (types 22-23) tobacco produced in the United States and exported during the 10 marketing years preceding the 1990-91 marketing year was 18.0 million pounds (farm-sales weight basis). Both domestic use and exports are erratic. A normal year's domestic consumption has been determined to be 20.0 million pounds

and a normal year's exports have been determined to be 21.2 million pounds. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 94.5 million pounds.

Manufacturers and dealers reported stocks of fire-cured (types 22-23) tobacco on October 1, 1990, of 70.2 million pounds. The 1990 fire-cured (types 22-23) crop is estimated to be 30.8 million pounds. Therefore, the total supply of fire-cured (types 22-23) tobacco for the marketing year beginning October 1, 1990, is 101.0 million pounds. During the 1990-91 marketing year, it is estimated that disappearance will total approximately 32.0 million pounds. By deducting this disappearance from the total supply, a carryover of 69.0 million pounds at the beginning of the 1991-92 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1991, is 25.5 million pounds. This represents the quantity of fire-cured (types 22-23) tobacco which may be marketed which will make available during the 1991-92 marketing year a supply equal to the reserve supply level. During the past 5 years, about 93 percent of the announced national marketing quota has been produced. Accordingly, it has been determined that a national marketing quota for the 1991-92 marketing year of 27.4 million pounds is necessary to make available production of 25.5 million pounds. In accordance with section 312(b) of the Act, it has been further determined that the 1991-92 national marketing quota must be increased by 20 percent in order to avoid undue restriction of marketings. This results in a national marketing quota for the 1991-92 marketing year of 32.9 million pounds.

In accordance with section 313(g) of the Act, the national marketing quota for the 1991-92 marketing year has been divided by the 1986-90, 5-year national average yield of 2,188 pounds per acre, to obtain a national acreage allotment of 15,036.56 acres, for the 1991-92 marketing year.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 1.0 is determined by dividing the national acreage allotment for the 1991-92 marketing year less a national reserve of 34 acres by the total of the 1991 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the Act for apportioning the national acreage

allotment, less the national reserve, to old farms.

Dark Air-Cured (Types 35-36) Tobacco

The yearly average quantity of dark air-cured (types 35-36) tobacco produced in the United States, which is estimated to have been consumed in the United States, during 10 marketing years preceding the 1990-91 marketing year was approximately 11.7 million pounds. The average annual quantity of dark air-cured (types 35-36) tobacco produced in the United States and exported from the United States during the 10 marketing years preceding the 1990-91 marketing year was 2.0 million pounds (farm sales weight basis). Both domestic use and exports have trended downward.

Accordingly, a normal year's domestic consumption has been determined to be 10.2 million pounds and a normal year's exports have been determined to be 1.6 million pounds. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 32.2 million pounds.

Manufacturers and dealers reported stocks of dark air-cured (types 35-36) tobacco held on October 1, 1990, of 29.9 million pounds. The 1990 dark air-cured (types 35-36) tobacco crop is estimated to be 7.5 million pounds. Therefore, the total supply of dark air-cured (types 35-36) tobacco for the 1990-91 marketing year is 37.4 million pounds. During the 1990-91 marketing year, it is estimated that disappearance will total approximately 12.5 million pounds. By deducting this disappearance from the total supply, a carryover of 24.9 million pounds at the beginning of the 1991-92 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1991, is 7.3 million pounds. This represents the quantity of dark air-cured (types 35-36) tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level.

During the past 5 years, less than 85 percent of the announced national marketing quota has been produced. Accordingly, it has been determined that a national marketing quota of 8.8 million pounds is necessary to make available production of 7.3 million pounds. In accordance with section 312(b) of the Act, it has been further determined that the 1991-92 national marketing quota must be increased by 19 percent in order to avoid undue restriction of marketings. This results in a national marketing quota of 10.5 million pounds for the 1991-92 marketing year.

In accordance with section 313(g) of the Act, the 1991-92 national marketing quota divided by the 1986-90, 5-year average yield of 2,042 pounds per acre results in a 1991 national acreage allotment of 5,142.02 acres.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 1.2 is determined by dividing the national acreage allotment, less a national reserve of 15.0 acres by the total of 1991 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the Act for apportioning the national acreage allotment, less the national reserve, to old farms.

Virginia Sun-Cured (Type 37) Tobacco

The yearly average quantity of Virginia sun-cured tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 marketing years preceding the 1990-91 marketing year was approximately 370,000 pounds. The average annual quantity produced in the United States and exported during the same period was approximately 120,000 pounds (farm-sales weight basis). Domestic use has shown a sharp downward trend, and exports have shown a moderate downward trend. Accordingly, a quantity of 141,000 pounds has been determined to be a normal year's domestic consumption and a quantity of 100,000 pounds has been determined to be a normal year's exports. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 581,000 pounds.

Manufacturers and dealers reported stocks of Virginia sun-cured (type 37) tobacco held on October 1, 1990, of 600,000 pounds. The 1990 Virginia sun-cured (type 37) tobacco crop is estimated to be 100,000 pounds. Therefore, the total supply of Virginia sun-cured (type 37) tobacco for the 1990-91 marketing year is 700,000 pounds.

During the 1990-91 marketing year, it is estimated that disappearance will total approximately 200,000 pounds. By deducting this disappearance from the total supply, a carryover of 500,000 pounds at the beginning of the 1991-92 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1991, is 81,000 pounds. This represents the quantity of Virginia sun-cured tobacco which may be marketed which will make available during such marketing year a supply

equal to the reserve supply level. During the last 5 years, about one-third of the announced national marketing quota has been produced. Accordingly, it has been determined that a national marketing quota of 241,000 pounds is necessary to make available production of 81,000 pounds. Accordingly, the National marketing quota for the 1991-92 marketing year is 241,000 pounds.

In accordance with section 313(g) of the Act, the 1991-92 national marketing quota divided by the 1986-90, 5-year national average yield of 1,131 pounds per acre result in a 1991 national acreage allotment of 213.09 acres.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 1 acre, by the total of the 1991 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the Act for apportioning the national acreage allotment, less the national reserve, to old farms.

Cigar-Filler and Binder (Types 42-44 and 53-55) Tobacco

The yearly average quantity of cigar-filler and binder (types 42-44 and 53-55) tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 years preceding the 1990-91 marketing year was approximately 20.4 million pounds. The average annual quantity of cigar-filler and binder (types 42-44 and 53-55) tobacco produced in the United States and exported from the United States during the 10 marketing years preceding the 1990-91 marketing year was very small. Domestic use has trended downward and exports are almost non-existent. Accordingly, a normal year's domestic consumption has been established at 14.4 million pounds while a normal year's exports has been established at zero pounds. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 40.7 million pounds.

Manufacturers and dealers report stocks of cigar-filler and binder (types 42-44 and 53-55) tobacco held on October 1, 1990, of 27.8 million pounds.

The 1990 cigar-filler and binder crop is estimated to be 13.6 million pounds. Therefore, the total supply of cigar-filler and binder (types 42-44 and 53-55) tobacco for the 1990-91 marketing year is 41.4 million pounds. During the 1990-91 marketing year, it is estimated that disappearance will total about 15.0 million pounds. By deducting this disappearance from the total supply, a

carryover of 26.4 million pounds at the beginning of the 1991-92 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1991, is 14.3 million pounds. This represents the quantity of cigar-filler and binder tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. Less than two-thirds of the announced national marketing quota has been produced recently. Accordingly, it has been determined that a 1991-92 national marketing quota of 22.7 million pounds is necessary to make available production of 14.3 million pounds. Accordingly, the national marketing quota for the 1991-92 marketing year is 22.7 million pounds.

In accordance with section 313(g) of the Act, the 1991-92 national marketing quota of 22.7 million pounds divided by the 1986-90, 5-year national average yield of 1,973 pounds per acre results in a 1991-92 national acreage allotment of 11,505.32 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 82 acres, by the total of 1991 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less the national reserve, to old farms.

Accordingly, the following determinations announced by the Secretary of Agriculture on March 1, 1991, are affirmed:

Proclamations of National Marketing Quotas Fire-Cured Tobacco

Since the 1990-91 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for fire-cured tobacco, a national marketing quota for such kind of tobacco for each of the three marketing years beginning October 1, 1991, October 1, 1992, and October 1, 1993 is proclaimed.

Dark Air-Cured Tobacco

Since the 1990-91 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for dark air-cured tobacco, a national marketing quota for such kind of tobacco for each of the three marketing years beginning October 1, 1991, October 1, 1992, and October 1, 1993, is proclaimed.

Determinations for the 1991-92 Marketing Years of Fire-Cured (Type 21), Fire-Cured (Types 22-23), Dark Air Cured (Types 35-36), Virginia Sun-Cured (Type 37), and Cigar-filler and Binder (Types 42-44 and 53-55) Tobaccos

Referendum Results

Marketing quotas shall be in effect for the 1991-92 marketing year for both fire-cured and dark air-cured tobaccos. In separate referenda held during the period March 25-28, 1991, 89.3 percent of producers of fire-cured and 88.9 percent of producers of dark air-cured tobacco voted in favor of marketing quotas.

The following is a summary, by State, of the results of each referendum:

FIRE-CURED TOBACCO

	Total votes	Yes votes	No votes	% Yes votes
Virginia.....	736	668	68	91
Kentucky.....	2,314	2,082	232	90
Tennessee.....	2,223	1,961	262	88

DARK AIR-CURED TOBACCO

	Total votes	Yes votes	No votes	% Yes votes
Indiana.....	7	4	3	57
Kentucky.....	4,528	4,017	511	89
Tennessee.....	1,166	1,048	118	90

With respect to fire-cured (type 21) tobacco for the marketing year beginning October 1, 1991:

(a) *Reserve supply level.* The reserve supply level for fire-cured (type 21) tobacco is 6.9 million pounds.

(b) *Total supply.* The total supply of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1990, is 8.3 million pounds.

(c) *Carryover.* The estimated carryover of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1991, is 5.3 million pounds.

(d) *National marketing quota.* The 1991-92 national marketing quota for fire-cured (type 21) tobacco for the marketing year beginning October 1, 1991, is 4.68 million pounds.

(e) *National acreage allotment.* The national acreage allotment is 3,900.00 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments is 1.0.

(g) *National reserve.* The national acreage reserve is 27 acres of which 10 acres are made available for the 1991 new farms and 17 acres are made

available for making corrections and adjusting inequities in old farm allotments.

With respect to fire-cured (types 22-23) tobacco for the marketing year beginning October 1, 1991:

(a) *Reserve supply level.* The reserve supply level for fire-cured (types 22-23) tobacco is 94.5 million pounds.

(b) *Total supply.* The total supply of fire-cured (types 22-23) tobacco for the marketing year beginning October 1, 1990, is 101.0 million pounds.

(c) *Carryover.* The estimated carryover of fire-cured (types 22-23) tobacco for the marketing year beginning October 1, 1991, is 69.0 million pounds.

(d) *National marketing quota.* The 1991-92 national marketing quota for fire-cured (types 22-23) tobacco for the marketing year beginning October 1, 1991, is 32.9 million pounds.

(e) *National acreage allotment.* The national acreage allotment is 15,036.56 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1991-92 marketing year is 1.0.

(g) *National reserve.* The national acreage reserve is 34 acres of which 10 acres are made available for 1991 new farms, and 24 acres are made available for making corrections and adjusting inequities in old farm allotments.

With respect to dark air-cured (types 35-36) tobacco for the marketing year beginning October 1, 1991:

(a) *Reserve supply level.* The reserve supply level for dark air-cured (types 35-36) tobacco is 32.2 million pounds.

(b) *Total supply.* The total supply of dark air-cured (types 35-36) tobacco for the marketing year beginning October 1, 1990, is 37.4 million pounds.

(c) *Carryover.* The estimated carryover of dark air-cured (types 35-36) tobacco for the marketing year beginning October 1, 1991, is 24.9 million pounds.

(d) *National marketing quota.* The 1991-92 national marketing quota for dark air-cured (types 35-36) tobacco for the marketing year beginning October 1, 1991, is 10.5 million pounds.

(e) *National acreage allotment.* The national acreage allotment is 5,142.02 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1991-92 marketing year is 1.2.

(g) *National reserve.* The national acreage reserve is 15 acres, of which 5 acres are made available for 1991 new farms, and 10 acres are made available

for making corrections and adjusting inequities in old farm allotments.

With respect to Virginia sun-cured (type 37) tobacco for the marketing year beginning October 1, 1991:

(a) *Reserve supply level.* The reserve supply level for Virginia sun-cured (type 37) tobacco is 581,000 pounds.

(b) *Total supply.* The total supply of Virginia sun-cured (type 37) tobacco for the marketing year beginning October 1, 1990, is 700,000 pounds.

(c) *Carryover.* The estimated carryover of Virginia sun-cured (type 37) tobacco for the marketing year beginning October 1, 1991, is 500,000 pounds.

(d) *National marketing quota.* The national marketing quota for Virginia sun-cured (type 37) tobacco for the marketing year beginning October 1, 1991, is 241,000 pounds.

(e) *National acreage allotment.* The national acreage allotment is 213.09 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1991-92 marketing year is 1.0.

(g) *National reserve.* The national acreage reserve is 1.0 acre, of which 0.5 acres are made available for 1991 new farms, and 0.5 acres are made available for making corrections and adjusting inequities in old farm allotments.

With respect to cigar-filler and binder (types 42-44 and 53-55) tobacco for the marketing year beginning October 1, 1991:

(a) *Reserve supply level.* The reserve supply level for cigar-filler and binder (types 42-44 and 53-55) tobacco is 40.7 million pounds.

(b) *Total supply.* The total supply of cigar-filler and binder (types 41-44 and 53-55) tobacco for the marketing year beginning October 1, 1990, is 41.4 million pounds.

(c) *Carryover.* The estimated carryover of cigar-filler and binder (types 42-44 and 53-55) tobacco for the marketing year beginning October 1, 1991, is 26.4 million pounds.

(d) *National marketing quota.* The amount of the national marketing quota for cigar-filler and binder (types 42-44, 53-55) tobacco for the marketing year beginning October 1, 1991, is 22.7 million pounds.

(e) *National acreage allotment.* The national acreage allotment is 11,505.32 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1991-92 marketing year is 1.0.

(g) *National reserve.* The national

acreage reserve is 82.0 acres, of which 70.0 acres are made available for 1991 new farms, and 12.0 acres are made available for making corrections and adjusting inequities in old farm allotments.

Authority: 7 U.S.C. 1301, 1312, 1313, 1375. Signed at Washington, DC on April 30, 1991.

Keith D. Bjerke,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 91-10648 Filed 5-3-91; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

Mohair Advertising and Promotion

AGENCIES: Agricultural Stabilization And Conservation Service And Agricultural Marketing Service, USDA.

ACTION: Notice of referendum.

SUMMARY: The purpose of this notice is to announce that a referendum will be conducted during the period of June 17-28 1991, among mohair producers to determine if such producers are in favor of a proposed agreement between the Mohair Council of America (MCA) and the United States Department of Agriculture (USDA). Under the proposed agreement, USDA would make deductions for the 1991 through 1995 marketing years from price support payments which are made to angora goat producers for mohair under the National Wool Act of 1954, as amended the ("Act"). The amounts so deducted would be used by the MCA for advertising and sales promotion programs and for programs pertaining to the dissemination of information concerning mohair or the products thereof.

EFFECTIVE DATE: May 6, 1991.

FOR FURTHER INFORMATION CONTACT: Harry D. Milner, Program Specialist, EOLPD, ASCS, USDA, P.O. Box 2415, Washington, DC 20013. Telephone (202) 475-3605.

SUPPLEMENTARY INFORMATION: This notice of referendum has been reviewed under United States Department of Agriculture (USDA) procedures established in accordance with provisions of Departmental Regulations 1512-1 and Executive Order 12291 and has been classified as "not Major." It has been determined that the provisions of this notice will not result in: (1) An annual effect on the economy of \$100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local

government agencies, or geographic regions; and (3) significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this notice applies as found in the Catalog of Federal Domestic Assistance are: National Wool Act Payments; 10.059.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Marketing Service (AMS) and the Agricultural Stabilization and Conservation Service (ASCS) are not required by 5 U.S.C. 553, or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

This program/activity is not subject to the provisions of Executive Order 12372 relating to intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Section 708 of the Act authorizes the Secretary of Agriculture to enter into agreements with, or to approve agreements entered between, marketing cooperatives, trade associations, or others engaged in the handling of wool, mohair, sheep, or goats or the products thereof for the purpose of developing and conducting advertising and sales promotion programs and programs for the development and dissemination of information on product quality, production management, and marketing improvement of wool, mohair, sheep, or goats or their products.

In order to defray the expenses for carrying out these activities, the agreements may provide for deductions to be made from price support payments which are paid to producers under the Act. However, as required by section 708 of the Act, no agreement providing for any deductions shall become effective unless the agreement is approved in a referendum by at least a majority of the producers voting or by producers with at least a majority of the volume of production represented in the referendum. The approval requirement was changed by the Food, Agriculture, Conservation, and Trade Act of 1990

from a two-thirds requirements to a requirement for majority approval.

Mohair producers approved agreements for advertising and sales promotion activities between the Secretary and the Mohair Council of America (MCA) in referendum conducted in 1967, 1971, 1982, and 1986. The last agreement dated October 15, 1986, was effective for the 1986-1990 marketing years.

It is proposed that a new agreement be entered into between the Secretary and the MCA for the 1991-1995 marketing years. The proposed agreement will be similar to the agreement dated October 15, 1986.

The purpose of this notice is only to announce the period when the referendum will be conducted and certain eligibility requirements for producers to participate in such referendum in accordance with 7 CFR part 1270.

Notice of Referendum

1. Period of Mohair Referendum for the 1991, 1992, 1993, 1994, and 1995 marketing years. In accordance with section 708 of the National Wool Act of 1954, as amended, the Secretary of Agriculture will conduct a referendum among mohair producers to determine whether they approve of the proposed agreement between the Mohair Council of America, and the Agricultural Marketing Service regarding advertising and sales promotion programs for goats, mohair or the products thereof. The referendum will be conducted in accordance with the provisions of 7 CFR part 1270 during June 17-28 1991, inclusive. Voting will be conducted through county offices of the Agricultural Stabilization and Conservation Service (ASCS) of the U.S. Department of Agriculture. Copies of the proposed agreement are available at ASCS county offices and will be mailed to individual producers.

2. Eligibility requirements to participate in the Referendum. Eligibility requirements for producers to participate in the referendum shall be those contained at 7 CFR 1270.7.

Authority: 7 U.S.C. 1787.

Signed at Washington, DC on April 30, 1991.

Keith D. Bjerke,

Administrator, Agricultural Stabilization and Conservation Service.

Robert C. Keeney,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 91-10646 Filed 5-3-91; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Newspapers To Be Used for Publication of Legal Notice of Appealable Decisions for Southern Region; Alabama, Kentucky, Georgia, Tennessee, Florida, Louisiana, Mississippi, Virginia, West Virginia, Arkansas, Oklahoma, North Carolina, South Carolina, Texas, Puerto Rico

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: Deciding Officers in the Southern Region will publish notice of decisions subject to administrative appeal under 36 CFR part 217 in the legal notice section of the newspapers listed in the **SUPPLEMENTARY INFORMATION** section of this notice. As provided in 36 CFR 217.5(d), the public shall be advised, through Federal Register notice, of the principal newspaper to be utilized for publishing legal notices of decisions. Newspaper publication of notices of decisions is in addition to direct notice of decisions to those who have requested notice in writing and to those known to be interested in or affected by a specific decision.

DATES: Use of these newspapers for purposes of publishing legal notices of decisions subject to appeal under 36 CFR part 217 shall begin on or after May 6, 1991.

FOR FURTHER INFORMATION CONTACT: Jean Paul Kruglewicz, Regional Appeals Coordinator, Southern Region, Planning and Budget, 1720 Peachtree Road, NW., Atlanta, Georgia 30367-9102, phone: 404-347-4867.

SUPPLEMENTARY INFORMATION: Deciding Officers in the Southern Region will give legal notice of decisions subject to appeal under 36 CFR part 217 in the following newspapers which are listed by Forest Service administrative unit. Where more than one newspaper is listed for any unit, the first newspaper listed is the principal newspaper that will be utilized for publishing the legal notices of decisions. Additional newspapers listed for a particular unit are those newspapers the Deciding Officer expects to use for purposes of providing additional notice. The timeframe for appeal shall be based on the date of publication of the legal notice of the decision in the principal newspaper.

Southern Regional Forester Decisions affecting National Forest System lands in any of the 13 states of the Southern

Region and the Commonwealth of Puerto Rico.

Atlanta Journal, published daily in Atlanta, GA.

National Forests in Alabama, Alabama**Forest Supervisor Decisions**

Montgomery Advertiser, published daily in Montgomery, AL.

District Rangers Decisions

Bankhead Ranger District: Northwest Alabamian, published weekly (Monday & Thursday) in Haleyville, AL.

Conecuh Ranger District: The Andalusia Star, published daily (Tuesday through Saturday) in Andalusia, AL.

Oakmulgee Ranger District: The Tuscaloosa News, published daily in Tuscaloosa, AL.

Shoal Creek Ranger District: The Anniston Star, published daily in Anniston, AL.

Talladega Ranger District: The Daily Home, published daily in Talladega, AL.

Tuskegee Ranger District: Tuskegee News, published weekly (Thursday) in Tuskegee, AL.

Caribbean National Forest, Puerto Rico**Forest Supervisor Decisions**

El Nuevo Dia, published daily in Spanish in San Juan, PR.

San Juan Star, published daily in San Juan, PR.

District Ranger Decisions

El Yunque Ranger District: El Nuevo Dia, published daily in Spanish in San Juan, PR.

San Juan Star, published daily in San Juan, PR.

Chattahoochee-Oconee National Forest, Georgia**Forest Supervisor Decisions**

The Times, published daily in Gainesville, GA.

District Ranger Decisions

Armuchee Ranger District: Walker County Messenger, published bi-weekly (Wednesday & Friday) in LaFayette, GA.

Toccoa Ranger District: The News Observer, published weekly (Thursday) in Blue Ridge, GA.

Chestatee Ranger District: Dahlonega Nugget, published weekly (Thursday) in Dahlonega, GA.

The Times, published daily in Gainesville, GA.

Brasstown Ranger District: North Georgia News, published weekly (Tuesday) in Blairsville, GA.

Towns County Herald, published weekly (Tuesday) in Hiawasse, GA.

Tallulah Ranger District: Clayton Tribune, published weekly (Wednesday) in Clayton, GA.

Chattooga Ranger District: Northeast Georgian, published weekly (Friday) in Clarksville, GA.

Toccoa Record, published weekly (Thursday) in Toccoa, GA.

The Telegraph, published weekly (Wednesday) in Cleveland, GA.

Cohutta Ranger District: Chatsworth Times, published weekly (Tuesday) in Chatsworth, GA.

Oconee Ranger District: Monticello News, published weekly (Wednesday) in Monticello, GA.

Cherokee National Forest, Tennessee**Forest Supervisor Decisions**

Knoxville News Sentinel, published daily in Knoxville, TN.

District Rangers Decisions

Ocoee Ranger District: Polk County News, published weekly (Wednesday) in Benton, TN.

Hiwassee Ranger District: Daily Post-Athenian, published daily (Monday-Friday) in Athens, TN.

Tellico Ranger District: Monroe County Advocate, published weekly (Thursday) in Sweetwater, TN.

Nolichucky Ranger District: Greeneville Sun, published daily (Monday-Saturday) in Greeneville, TN.

Unaka Ranger District: Johnson City Press, published daily in Johnson City, TN.

Watauga Ranger District: Elizabethton Star, published daily (Sunday-Friday) in Elizabethton, TN.

Daniel Boone National Forest, Kentucky**Forest Supervisor Decisions:**

Lexington Herald-Leader, published daily in Lexington, KY.

District Rangers Decisions

Morehead Ranger District: Morehead News, published bi-weekly (Tuesday and Friday) in Morehead, KY.

Stanton Ranger District: The Clay City Times, published weekly (Thursday) in Clay City, KY.

Berea Ranger District: Jackson County Sun, published weekly (Thursday) in McKee, KY.

London Ranger District: The Sentinel-Echo, published tri-weekly (Monday, Wednesday and Friday) in London, KY.

Somerset Ranger District: Commonwealth-Journal, published daily (Sunday through Friday) in Somerset, KY.

Stearns Ranger District: McCreary County Record, published weekly (Tuesday) in Whitley City, KY.

Redbird Ranger District: Manchester Enterprise, published weekly (Thursday) in Manchester, KY.

National Forests in Florida, Florida**Forest Supervisor Decisions**

The Tallahassee Democrat, published daily in Tallahassee, FL.

District Rangers Decisions

Apalachicola Ranger District: The Weekly Journal, published weekly (Wednesday) in Bristol, FL.

Lake George Ranger District: The Ocala Star Banner, published daily in Ocala, FL.

Osceola Ranger District: The Lake City Reporter, published daily (Monday-Saturday) in Lake City, FL.

Seminole Ranger District: The Daily Commercial, published daily in Leesburg, FL.

Wakulla Ranger District: The Tallahassee Democrat, published daily in Tallahassee, FL.

Francis Marion & Sumter National Forest, South Carolina**Forest Supervisor Decisions**

The State, published daily in Columbia, SC.

District Rangers Decisions

Enoree Ranger District: Newberry Observer, published tri-weekly (Monday, Wednesday and Friday) in Newberry, SC.

Andrew Pickens Ranger District: Seneca Journal and Tribune, published bi-weekly (Wednesday and Friday) in Seneca, SC.

Long Cane Ranger District: Index-Journal, published daily (Sunday through Friday) in Greenwood, SC.

Wambaw Ranger District: News and Courier, published daily in Charleston, SC.

Wilderbee Ranger District: Berkeley Independent, published weekly (Wednesday) in Moncks Corner, SC.

Tyger Ranger District: The State, published daily in Columbia, SC.

Edgefield Ranger District: Augusta Chronicle, published daily in Augusta, GA.

George Washington National Forest, Virginia**Forest Supervisor Decisions**

Daily News Record, published daily in Harrisonburg, VA.

District Rangers Decisions

Lee Ranger District: Shenandoah Valley Herald, published weekly (Wednesday) in Woodstock, VA.

Warm Springs Ranger District: The Recorder, published weekly (Thursday) in Monterey, VA.

Pedlar Ranger District: News-Gazette, published weekly (Wednesday) in Lexington, VA.

James River Ranger District: Virginian Review, published daily in Covington, VA.

Deerfield Ranger District: Daily News Leader, published daily in Staunton, VA.

Dry River Ranger District: Daily News Record, published daily in Harrisonburg, VA.

Jefferson National Forest, Virginia**Forest Supervisor Decisions**

Roanoke Times & World-News, published daily in Roanoke, VA.

District Rangers Decisions

Blackburg Ranger District: Roanoke Times & World-News, published daily in Roanoke, VA.

Monroe Watchman, published weekly (Thursday) in Union, WV.

Glenwood Ranger District: Roanoke Times & World-News, published daily in Roanoke, VA.

New Castle Ranger District: Roanoke Times & World-News, published daily in Roanoke, VA.

Monroe Watchman, published weekly (Thursday) in Union, WV.

Mount Rogers National Recreation Area: Bristol Herald Courier, published daily in Bristol, VA.

Clinch Ranger District: Bristol Herald Courier, published daily in Bristol, VA.
Wythe Ranger District: Southwest Virginia Enterprise, published bi-weekly (Wednesday and Saturday) in Wytheville, VA.

Kisatchie National Forest, Louisiana

Forest Supervisor Decisions

Alexandria Daily Town Talk, published daily in Alexandria, LA.
 Colfax Chronicle, published weekly (Wednesday) in Colfax, LA.
 Leesville Leader, published daily in Leesville, LA.
 Winn Parish Enterprise, published weekly (Wednesday) in Winfield, LA.
 Natchitoches Times, published bi-weekly (Sunday and Wednesday) in Natchitoches, LA.
 Minden Press Herald, published daily in Minden, LA.
 Homer Guardian Journal, published weekly (Wednesday) in Homer, LA.

District Ranger Decisions

Caney Ranger District: Minden Press Herald, published daily in Minden, LA.
Homer Guardian Journal, published weekly (Wednesday) in Homer, LA.
Catahoula Ranger District: Alexandria Daily Town Talk, published daily in Alexandria, LA.
 Colfax Chronicle, published weekly (Wednesday) in Colfax, LA.
Evangeline Ranger District: Alexandria Daily Town Talk, published daily in Alexandria, LA.
Kisatchie Ranger District: Natchitoches Times, published bi-weekly (Sunday and Wednesday) in Natchitoches, LA.
Vernon Ranger District: Leesville Leader, published daily in Leesville, LA.
Winn Ranger District: Winn Parish Enterprise, published weekly (Wednesday) in Winfield, LA.

National Forests in Mississippi, Mississippi

Forest Supervisor Decisions

Clarion-Ledger, published daily in Jackson, MS.

District Ranger Decisions

Bienville Ranger District: Clarion-Ledger, published daily in Jackson, MS.
Biloxi Ranger District: Clarion-Ledger, published daily in Jackson, MS.
Black Creek Ranger District: Clarion-Ledger, published daily in Jackson, MS.
Bude Ranger District: Clarion-Ledger, published daily in Jackson, MS.
Chickasawhay Ranger District: Clarion-Ledger, published daily in Jackson, MS.
Delta Ranger District: Clarion-Ledger, published daily in Jackson, MS.
Holly Springs Ranger District: Clarion-Ledger, published daily in Jackson, MS.
Homochitto Ranger District: Clarion-Ledger, published daily in Jackson, MS.
Strong River Ranger District: Clarion-Ledger, published daily in Jackson, MS.
Tombigbee Ranger District: Clarion-Ledger, published daily in Jackson, MS.
Ashe-Erambert Project: Clarion-Ledger, published daily in Jackson, MS.

National Forests in North Carolina, North Carolina

Forest Supervisor Decisions

The Asheville Citizen-Times, published daily in Asheville, NC.

District Ranger Decisions

Cheoah Ranger District: Graham Star, published weekly (Thursday) in Robbinsville, NC.
Croatan Ranger District: The Sun Journal, published weekly (Sunday through Friday) in New Bern, NC.
 Carteret County New-Times, published tri-weekly (Sunday, Wednesday and Friday) in Morehead City, NC.
French Broad District: The News Record, published weekly (Thursday) in Marshall, NC.
 The Mountaineer, Inc., published tri-weekly (Monday, Wednesday and Friday) in Waynesville, NC.
Grandfather District: McDowell News, published daily in Marion, NC.
 News Herald, published daily in Morganton, NC.
 Lenoir News Topic, published daily in Lenoir, NC.
 Avery Journal, published weekly (Thursday) in Newland, NC.
 Watauga Democrat, published tri-weekly (Monday, Wednesday and Friday) in Boone, NC.
Highlands Ranger District: The Highlander, published weekly (May-Oct. Tues. and Fri.; Oct.-April, Tues. only) in Highlands, NC.
 Cashiers Crossroads Chronicle, published weekly (Wednesday) in Cashiers, NC.
 The Franklin Press, published tri-weekly (Monday, Wednesday and Friday) in Franklin, NC.
 The Sylva Herald, published weekly (Thursday) in Sylva, NC.
 The Transylvania Times, published bi-weekly (Monday and Thursday) in Brevard, NC.
Pisgah Ranger District: The Transylvania Times, published bi-weekly (Monday and Thursday) in Brevard, NC.
 Times-News, published daily in Hendersonville, NC.
 The Mountaineer, published tri-weekly (Monday, Wednesday, Friday) in Waynesville, NC.
 The Asheville Citizen-Times, published daily in Asheville, NC.
Toecane Ranger District: The Asheville Citizen-Times, published daily in Asheville, NC.
 The Yancey Journal, published weekly (Thursday) in Burnsville, NC.
Tusquitee Ranger District: Cherokee Scout, published bi-weekly (Tuesday and Friday) in Murphy, NC.
 Clay County Progress, published weekly (Thursday) in Hayesville, NC.
 Andrews Journal, published weekly (Wednesday) in Andrews, NC.
Uwharrie Ranger District: Montgomery Herald, published weekly (Wednesday) in Troy, NC.
Wayah Ranger District: The Franklin Press, published tri-weekly (Monday, Wednesday and Friday) in Franklin, NC.

Ouachita National Forest, Arkansas, Oklahoma

Forest Supervisor Decisions

Arkansas Democrat, published daily in Little Rock, AR.

District Ranger Decisions

Caddo Ranger District: Arkansas Democrat, published daily in Little Rock, AR.
Cold Springs Ranger District: Arkansas Democrat, published daily in Little Rock, AR.
Fourche Ranger District: Arkansas Democrat, published daily in Little Rock, AR.
Jessieville Ranger District: Arkansas Democrat, published daily in Little Rock, AR.
Mena Ranger District: Arkansas Democrat, published daily in Little Rock, AR.
Oden Ranger District: Arkansas Democrat, published daily in Little Rock, AR.
Poteau Ranger District: Arkansas Democrat, published daily in Little Rock, AR.
Winona Ranger District: Arkansas Democrat, published daily in Little Rock, AR.
Womble Ranger District: Arkansas Democrat, published daily in Little Rock, AR.
Choctaw Ranger District: Tulsa World, published daily in Tulsa, OK.
Kiamichi Ranger District: Tulsa World, published daily in Tulsa, OK.
Tiok Ranger District: Tulsa World, published daily in Tulsa, OK.

Ozark-St. Francis National Forest: Arkansas

Forest Supervisor Decisions

Courier-Democrat, published daily (Sunday through Friday) in Russellville, AR.

District Ranger Decisions

Sylamore Ranger District: Stone County Leader, published weekly (Tuesday) in Mountain View, AR.
Buffalo Ranger District: Newton County Times, published weekly (Wednesday) in Jasper, AR.
Bayou Ranger District: Courier-Democrat, published daily (Sunday through Friday) in Russellville, AR.
Pleasant Hill Ranger District: Johnson County Graphic, published weekly (Wednesday) in Clarksville, AR.
Boston Mountain Ranger District: Southwest Times Record, published daily in Fort Smith, AR.
Magazine Ranger District: Southwest Times Record, published daily in Fort Smith, AR.
St. Francis Ranger District: The Daily World, published daily (Sunday through Friday) in Helena, AR.

National Forests in Texas, Texas

Forest Supervisor Decisions

The Lufkin Daily News, published daily in Lufkin, TX.

District Rangers Decisions

San Jacinto Ranger District: The Houston Post, published daily in Houston, TX.
Neches Ranger District: The Lufkin Daily News, published daily in Lufkin, TX.
Raven Ranger District: The Courier, published daily in Conroe, TX.

Tenaha Ranger District: The Lufkin Daily News, published daily in Lufkin, TX.
Trinity Ranger District: The Lufkin Daily News, published daily in Lufkin, TX.
Yellowpine Ranger District: The Beaumont Enterprise, published daily in Beaumont, TX.

Caddo-LBJ Ranger District—Caddo-LBJ National Grassland: Denton Record-Chronicle, published daily (Sunday thru Friday) in Denton, TX.

Dated: April 30, 1991.

Robert B. Erickson,

Deputy Regional Forester.

[FR Doc. 91-10580 Filed 5-3-91; 8:45 am]

BILLING CODE 3410-11-M

The Ouachita National Forest, Le Flore County, Oklahoma, Multiple Use Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Ouachita National Forest, Le Flore County, Oklahoma, Multiple Use Advisory Council. The meeting will be open to the public. This notice also describes the functions of the Council. Notice of this meeting is required under the National Advisory Committee Act.

DATES: May 20, 1991, 7 p.m.

ADDRESSES: The meeting location is at the Bob Lee Kidd Civic Center, Poteau, Oklahoma. Send written statements to Forest Supervisor, Ouachita National Forest, P.O. Box 1270, Hot Springs, AR 71902.

FOR FURTHER INFORMATION CONTACT: Gary Pierson, (501) 321-5281.

SUPPLEMENTARY INFORMATION: The Ouachita National Forest, Le Flore County, Oklahoma, Multiple Use Advisory Council was created by the Winding Stair Mountain National Recreation and Wilderness Area Act (16 U.S.C. 460vv-13). The Council,

comprised of 20 members, appointed by the Secretary of Agriculture September 25, 1989, will meet periodically. The purpose of this Council is advisory in nature. The Council shall provide information and recommendations to the Secretary regarding the operation of the Ouachita National Forest in Le Flore County. The Council is composed of representatives from the local area in which the Ouachita National Forest is located, equally divided among conservation, timber, fish and wildlife, tourism and recreation, and economic development interests.

Mike Curran, Supervisor of the Ouachita National Forest will chair the meeting. Representatives of the Forest Service will attend from the Department of Agriculture including the designated officer of the Federal Government. The agenda for this meeting will include: the response on the ATV resolution and a review of the Weyerhaeuser land acquisition proposal comments.

Dated: April 24, 1991.

R. Gary Pierson,

Acting Forest Supervisor.

[FR Doc. 91-10577 Filed 5-3-91; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). A prompt OMB review of this data collection has been requested.

AGENCY: National Oceanic and Atmospheric Administration.

Title: Fisheries Certificate of Origin.

Form Number: Agency—370; OMB—0648-0040.

Type of Request: Request for a revision of a currently approved collection—Prompt OMB Review Requested.

Burden: 100 respondents; 3,200 reporting hours; average hours per response—66 hours.

Needs and Uses: Section 101(a)(2), Marine Mammal Protection Act, and Section 901, Fisheries Conservation Amendments of 1990, require the Secretary to ban importation of fish from nations whose fishing results in accidental death/injury to marine mammals. This collection from exporters/importers/processors of fish products potentially caught in association with marine mammals allows NMFS to identify area/method of harvest.

Affected Public: Individuals, business or other for-profit, small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Ron Minsk, (202) 395-3084.

The form to collect this information is published below. For any other information, please call or write DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230. Written comments and recommendations for the proposed information collection should be sent to Ronald Minsk, OMB Desk Officer, room 3019, New Executive Office Building, Washington, DC 20503.

Dated: April 30, 1991.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

BILLING CODE 3510-22-M

NOAA FORM NO. 370 U.S. DEPARTMENT OF COMMERCE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NATIONAL MARINE FISHERIES SERVICE				FISHERIES CERTIFICATE OF ORIGIN (This statement complies with 16 U.S.C. 1385 and 16 U.S.C. 1371)		FORM APPROVED: APPROVAL EXPIRES:	
1. COUNTRY OF ORIGIN							
2. EXPORTER (Name and Address)				3. CONSIGNEE (Name and Address)			
4. DESCRIPTION OF FISH				OCEAN AREA OF CATCH	FISHING METHOD	IF FISHING METHOD IS PURSE SEINE (PS) VESSEL NAME AND FLAG	TRIP DATES BEGIN-END
U.S. TARIFF SCHEDULE NUMBER AND SPECIES DESCRIPTION		QUANTITY (UNITS)					

Please indicate the appropriate statement below and attach a copy of the original commercial invoice.

(A)	is entered under an affirmative finding by the Assistant Administrator for Fisheries that the yellowfin tuna were caught in conformance with the requirements of the Marine Mammal Protection Act.
(B)	is entered, as tuna harvested by a purse seine vessel of 400 tons carrying capacity or greater, with valid documentation by an authorized observer and the captain of the vessel, certifying that the tuna was not harvested in a purse seine net intentionally deployed on or to encircle dolphin. Observer and Captain certificates are attached.
(C)	is entered as tuna harvested by a purse seine vessel of less than 400 tons carrying capacity.
(D)	In the case of tuna and tuna products, was not harvested with a large-scale driftnet(s) anywhere on the high seas after July 1, 1991.
(E)	In the case of fish and fish products, was not harvested with a large-scale driftnet in the South Pacific Ocean after July 1, 1991 or in any other water of the high seas after July 1, 1992.

I certify that the above information is complete, true, and correct to the best of my knowledge and belief. (Must be signed by the original exporter of record)

Name & Title:	Signature:	Date:
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5. CERTIFICATION

I certify that the information listed above is complete, true, and correct to the best of my knowledge and belief. (Must be signed by a responsible government official of the harvesting or exporting nation)

Name & Title:	Signature:	Date:
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6. EXPORTER/IMPORTER/PROCESSOR ENDORSEMENT

I certify that the information and documentation transmitted herewith is that directly associated with the quantity of fish and fish products listed above and on the attached invoice.

Name and Title (Type or Print)	Address, Telex, or Fax	Signature	Date
Name and Title (Type or Print)	Address, Telex, or Fax	Signature	Date
Name and Title (Type or Print)	Address, Telex, or Fax	Signature	Date
Name and Title (Type or Print)	Address, Telex, or Fax	Signature	Date

Completed forms and attachments should be sent to: Regional Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731, (213) 514-6197; FAX: (213) 514-6194

General Information

The information requested on this form is necessary to substantiate the origin and the method of harvest of the fish as required by 50 CFR 216.24 (e)(3) and (e)(4), and will be used to determine whether or not the listed shipment(s) of fish or fish product will be allowed entry into the United States. This form must be submitted to the U.S. Customs Service with other required entry documents at the time of product entry into the United States. This form must accompany each shipment of fish or fish product listed under 50 CFR 216.24 (e)(2), and the information provided must relate to the shipment(s) of fish described. Confidentiality of the information provided will be treated in accordance with NOAA directive 88-30. **Blank forms may be reproduced.** This form supersedes the SF 370-1 "Yellowfin Tuna Certificate of Origin." U.S. Customs will collect and forward all completed forms to NMFS.

Public reporting burden for this collection of information is estimated to average 40 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: NMFS, Southwest Regional Office, 300 S. Ferry St., Terminal Is., CA 90731; and to, Office of Management and Budget, Paperwork Reduction Project (0648-0040), Washington, D.C. 20503

Instructions

1. COUNTRY OF ORIGIN - Enter country under whose laws the harvesting vessel operates.

2. EXPORTER - Enter name and address of exporter.

3. CONSIGNEE - Enter name and address of U.S. importer.

4. DESCRIPTION OF FISH -

U.S. TARIFF SCHEDULE NUMBER AND SPECIES DESCRIPTION - Enter U.S. Harmonized Tariff Code Number of fish or fish product, and the species description. Only those tariff codes described in 50 CFR 216.24 (e)(2) require this certificate. All shipments of tuna and tuna products, except fresh products, from all countries require this certificate. Only countries that use large-scale driftnets are required to submit this form for other species of fish and fish products. **This form is not required for fresh tuna or other fresh fish.**

QUANTITY (UNITS) - Enter the quantity of the shipment, and the units as it is measured (lbs., Kg, tons, etc.)

OCEAN AREA OF CATCH - Enter the ocean in which the shipment was harvested ;

ETP - Eastern Tropical Pacific Ocean (east of 160 W. Long, between 40 N. and 40 S. Lat)

WP - Western Pacific Ocean (West of 160 W. Long)

SP - South Pacific Ocean (South of equator) - applicable to driftnet caught fish

ATL - Atlantic Ocean

CAR - Caribbean Sea

IND - Indian Ocean

OT - Other - Describe area _____

FISHING METHOD - Enter method used to harvest fish

PS - Purse Seine

LL - Long Line

BB - Bait Boat

DN - Large-Scale Driftnet

GN - Gillnet

TR - Trawl

PL - Pole and Line, Hook and Line

OT - Other - Describe method _____

VESSEL NAME AND FLAG - If the method of harvest is PS (purse seine), enter the name of the harvesting vessel and the country under whose laws it operated during the harvest, i.e., flag of the vessel.

TRIP DATES - Enter the begin and end dates of the fishing trip during which the described shipment of fish was harvested.

INDICATE THE APPROPRIATE STATEMENT - To be completed and certified by the by the original exporter. Indicate correct statement;

(A) if the shipment is yellowfin tuna or yellowfin tuna product harvested by purse seine set on marine mammals in the ETP, and the country of origin has an affirmative finding to import such a product to the United States.

(B) if the shipment is yellowfin tuna or yellowfin tuna product harvested by purse seine in the ETP not in association with marine mammals, and the shipment is accompanied by an observer's certificate and a captain's certificate.

(C) if the shipment is yellowfin tuna or yellowfin tuna product harvested in the ETP by a purse seine vessel of less than 400 tons carrying capacity.

(D) if the shipment is any tuna or tuna product not harvested by large-scale driftnet on the high seas after July 1, 1991, and not described by A, B or C above.

(E) if the shipment is fish or fish products not harvested by large-scale driftnet after July 1, 1991 in the South Pacific Ocean, or after July 1, 1992 anywhere on the high seas.

5. CERTIFICATION - Must be signed by a responsible government official of the harvesting or exporting nation.

6. EXPORTER/IMPORTER/PROCESSOR ENDORSEMENT - Must be signed by each exporter, importer, or processor of the shipment, certifying that the documentation describes the shipment of fish that it accompanies.

[FR Doc. 91-10599 Filed 5-3-91; 8:45 am]

BILLING CODE 3510-22-C

International Trade Administration

[A-570-804]

Final Determination of Sales at Less Than Fair Value: Sparklers From the People's Republic of China

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce (the Department) has determined that sparklers from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value.

EFFECTIVE DATE: May 6, 1991.

FOR FURTHER INFORMATION CONTACT: Francis J. Sailer, Deputy Assistant Secretary for Investigations, or Michael Ready, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-5497 and (202) 377-2613, respectively.

SUPPLEMENTARY INFORMATION:**Final Determination**

The Department determines that imports of sparklers from the PRC are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(a)) (the Act). The estimated weighted average margins are shown in the "Continuation of Suspension of Liquidation" section of this notice.

Case History

Since publication of the preliminary determination (55 FR 51743, December 17, 1990) the following events have occurred. On December 18, 1991, respondents requested that we postpone making our final determination by 60 days pursuant to 19 CFR 353.20(b)(1). On January 4, 1991, we published a notice postponing the final determination until April 26, 1991 (56 FR 417).

We verified the questionnaire response of Hunan Provincial Firecrackers & Fireworks Import & Export (Holding) Corporation in Changsha, Hunan Province, PRC, from February 26 through March 1, 1991. Petitioner and respondents submitted comments for the record in case briefs on April 1, 1991. Both parties submitted rebuttal briefs on April 5, 1991. On April 8, 1991, we held a public hearing in

which petitioners and respondents participated.

Scope of the Investigation

The products covered by this investigation are sparklers from the PRC. Sparklers are fireworks, each comprising a cut-to-length wire, one end of which is coated with a chemical mix that emits bright sparks while burning. Sparklers are currently classifiable under Harmonized Tariff Schedule (HTS) subheading 3604.10.00. The HTS subheadings are provided for convenience and customs purposes. The written description remains dispositive as to the scope of this proceeding.

Period of Investigation

The period of investigation (POI) is February 1, 1990, through July 31, 1990.

Fair Value Comparisons

To determine whether sales of sparklers from the PRC to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

In calculating USP, the Department used purchase price, as defined in section 772 of the Act, because the sparklers were sold to unrelated purchasers for exportation to the United States prior to importation into the United States and because exporter's sales price (ESP) methodology was not indicated by other circumstances. Purchase price was based on the CIF, packed price to unrelated purchasers in Hong Kong for sparklers destined for the United States because the producers knew that the sparklers were destined for the United States. We made deductions for discounts, and charges incurred for inland freight, ocean freight, and marine insurance.

In accordance with the policy set forth in our final determination in the investigation of carbon steel wire rod from Poland (49 FR 29434, July 20, 1984), we based ocean and inland freight charges on freight rates in market economy countries (Hong Kong for ocean freight and India for inland freight).

Foreign Market Value

In past cases (e.g., *Tapered Roller Bearings from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 52 FR 19748 (May 27, 1987)), the Department has treated the PRC as a nonmarket economy

country (NME). As noted in our preliminary determination, we determined that nonmarket economy treatment is appropriate in this investigation.

As a result, section 773(c) of the Act, as amended by the Omnibus Trade and Competitiveness Act of 1988 ("1988 Act"), requires the Department to determine foreign market value on the basis of the market valuation of the factors of production utilized in producing the subject merchandise (unless the Department determines the available information on factor prices in market economies to be inadequate).

The 1988 Act further permits the Department to value the factors of production in one or more market economy countries that are at a level of economic development comparable to that of the NME and that are significant producers of comparable merchandise.

Of countries known to produce sparklers, we have determined that India, Pakistan and the Philippines are comparable to the PRC in terms of per capita gross national product (GNP), the growth rate in per capita GNP, and the national distribution of labor. We calculated FMV based on factors of production reported by the Chinese exporters, Hunan Provincial Firecrackers & Fireworks Import & Export (Holding) Corporation; Guangxi Native Produce Import & Export Corporation, Behai Fireworks and Firecrackers Branch; and, Jiangxi Native Produce Import & Export Corporation, Guangzhou Fireworks Company. We used information from India and the Philippines regarding the values of various factors of production.

We chose India as the most comparable surrogate on the basis of per capita GNP, the growth rate in per capita GNP, and the national distribution of labor. Where possible, we obtained information for valuing factors of production from publicly available sources in India.

For the two items for which neither an actual market economy import price (paid by the PRC producer) nor an Indian price was available, we assigned a value based on data from the Philippines. We also based the value for one factor on the actual price paid by a PRC manufacturer for an input that was imported from a country with a market economy. Where appropriate, the factor values were inflated to POI levels using wholesale price indices published by the International Monetary Fund.

The three respondents reported the amounts of raw materials needed to manufacture one carton of sparklers. For

each sparkler type, we multiplied the per carton factor quantity by the value for each component material, and summed the resulting individual raw material values. We then added an amount for direct labor cost. We then added the statutory minimum of 10 percent for general expenses. We added the statutory minimum because it is higher than the percentage amount reported by the Indian manufacturer. We next added 10 percent for profit. We added 10 percent, the figure reported by the Indian manufacturer, because this figure is higher than the 8 percent statutory minimum for profit. Finally, we added an amount for packing costs to arrive at a constructed foreign market value for a single carton of sparklers. We then compared this value to the exporters' U.S. price for a single carton of sparklers.

We made currency conversions in accordance with 19 CFR 353.60(a).

Final Negative Determination of Critical Circumstances

Petitioner alleged that imports of sparklers from the PRC present "critical circumstances." Under section 735(a)(3) of the Act, "critical circumstances" exist if we determine (1) There is a history of dumping in the United States or elsewhere of the class or kind of the merchandise which is the subject of the investigation, or the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value; and (2) there have been massive imports of the class or kind of merchandise that is the subject of the investigation over a relatively short period.

To determine whether imports have been massive over a relatively short period, we based our analysis on respondents' shipment data for equal periods immediately preceding and following the filing of the petition. Based on this analysis, we find that imports of the subject merchandise from the PRC during the period subsequent to receipt of the petition have not been massive when compared to recent import levels.

Since we do not find there have been massive imports, we do not need to consider whether there is a history of dumping or whether there is reason to believe or suspect that importers of this product knew or should have known that it was being sold at less than fair value.

Therefore, we determine that critical circumstances do not exist with respect to imports of sparklers from the PRC.

Verification

As provided in section 776(b) of the Act, we verified all information used in making our final determination. We used standard verification procedures, including examination of relevant accounting records and original source documents provided by respondents.

Interested Party Comments

Comment 1: Respondents argue that the three PRC companies should be assigned separate dumping margins because they are legally and factually independent entities and because no direct, sparkler-industry-specific evidence of central control exists. Respondents cite as evidence of their independence: (a) Each company's possession of an "enterprise legal person" business license (which requires the bearer company to maintain its own accounts and be responsible for its own profits and losses); (b) various official and unofficial explanations that the companies have been separated from the national head office which is now unable to exert control over its former local offices; (c) that there is no evidence in the record indicating that the sparkler sellers are subject to centralized government control; and (d) that there is no evidence of coordination among the companies on such matters as price setting, market division, and production practices.

Petitioner contends that the PRC's status as a nonmarket economy, coupled with government ownership of the companies in question, creates a strong presumption of central government control. This requires the assignment of a single dumping margin covering all sparklers from the PRC in the absence of verifiable evidence of freedom from central control. If the Department were to assign separate margins in a case where such freedom has not been demonstrated, petitioner contends, the central authorities would be able to funnel output from different factories through the company assigned the lowest margin. Petitioner notes that documents submitted by respondents to establish separateness also contain general references to continuing centralized policy-making and control of prices with respect to the national trading companies' former local branch offices. Petitioner also states that it believes that central control of the sparkler industry exists.

DOC Position: We have determined that exporters in nonmarket economy countries are entitled to separate, company-specific margins when they can demonstrate an absence of central government control, both in law and in

fact, with respect to exports. Evidence supporting, though not requiring, a finding of *de jure* absence of central control includes: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; or (3) any other formal measures by the government decentralizing control of companies. *De facto* absence of central government control with respect to exports is based on two prerequisites: (1) Whether each exporter sets its own export prices independently of the government and other exporters; and (2) whether each exporter can keep the proceeds from its sales.

Each exporter of sparklers sets its own prices for export. At verification, we noted that the proceeds from all sales that we examined were deposited into the selling entity's bank account. Each company submitted its business license for the record before verification, along with explanations, published before this investigation began, of the substantive implications of receiving a business license. The explanations mentioned no stipulations that could be construed as specific central control of pricing or production.

We have therefore assigned separate, company-specific margins for purposes of our final determination.

Comment 2: Respondents urge the Department to obtain "more legally and factually defensible surrogate country information" because the information used for purposes of calculating foreign market value for the preliminary determination produced distorted results.

DOC Position: The Department used the most reasonable available information in making its preliminary determination. Since the preliminary determination, we have gathered additional information from an Indian sparkler manufacturer on input prices and industry experience (*i.e.*, with respect to raw materials, overhead, profit, and general expenses) and have made revisions in all instances where newer information was superior to that used for the preliminary determination.

Comment 3: Respondents argue that the Department should find the surrogate country factor prices used in the preliminary determination to be inadequate for purposes of calculating the foreign market value. In its final determination, the Department should, following the guidance of section 773(c)(2) of the Act in situations where surrogate country factor prices are inadequate, base FMV on the price of

sparklers in third countries that have economies comparable to the PRC and that produce merchandise comparable to the subject merchandise.

Respondents recommend the use of sales prices in Pakistan. Respondents argue that the Act does not provide for using petitioner's information when the Department determines factor price information on the record to be inadequate and when sales prices in appropriate surrogate countries exist.

Petitioner contends that respondents have not justified the use of Pakistan sparkler prices over other information on the record. Petitioner contends that the Department should use the United States as a surrogate country because the three countries selected as appropriate surrogate countries are not significant sparkler producers. Petitioner proposes its own information as appropriate for valuing factors of production in the United States.

DOC Position: The information provided by an Indian manufacturer of sparklers, which we have used to value most of the factors of production, is adequate for purposes of calculating FMV pursuant to section 773(c) of the Act. Therefore, the issue of the most appropriate third country sparkler prices to be used as FMV need not be addressed.

Comment 4: Respondents contend that the Department should use Hunan's corrected factor amounts, reported at verification, for assorted sparkler production.

DOC Position: We agree. We verified the correct chemical amounts used in the manufacture of assorted sparklers and have incorporated those figures for purposes of our final determination.

Comment 5: Respondents contend that the values that the Department assigned to certain raw materials (iron wire, aluminum powder, aluminum-magnesium alloy powder, resin, epoxy powder, paste, silver powder, and ignition chemical) are unreasonably high. Respondents specifically call into question the following Departmental decisions in determining factors' prices:

a. The use of the price reportedly paid for iron wire by the sparkler industry in the Philippines when the characteristics of that wire are uncertain;

b. In the case of aluminum-magnesium alloy powder, which had three components for which prices are available, the assumption that the factor was one hundred percent aluminum (the most expensive component) because respondent had failed to provide full and timely information on the percentage of each component in the factor;

c. The use of values based on Indian import statistics for determining the values of aluminum powder and ignition chemical rather than prices reported by the sparkler industries in the Philippines or Pakistan for those items;

d. Not adjusting for differences when basing the value of resin on epoxy resins, a commodity only similar to resin;

e. In assigning a value to paste, the use of an Indian import statistics-based value for glue—a product less similar to that used in making sparklers—instead of using the value for paste cited in the Philippines import statistics; and

f. The use of an Indian import statistics-based value for silver powder when the category may have included varieties of silver powder not specifically used in sparkler manufacture.

Petitioner contends that Filipino and Pakistani prices are not appropriate because the sparkler industries in those countries are small and not comparable to the PRC sparkler industry. Petitioner further contends that factor prices would be higher for the PRC sparkler industry, were it located in one of the surrogate countries, than the prices reported by the producers in the surrogate countries. Thus, the Department "should value all inputs at the industrial level in the surrogate country to the extent data are available and appropriate."

DOC Position: We generally seek to value factors using (in order of preference): (1) Prices paid by the NME manufacturer for items imported from a market economy; (2) prices in the primary surrogate country of domestically produced or imported materials; (3) prices in one or more secondary surrogate countries reported by the industry producing subject merchandise in the secondary country or countries; and (4) prices in one or more secondary surrogate countries from sources other than the industry producing the subject merchandise. This ranking of data sources reflects the Department's desire to use to the greatest extent possible factor prices in a single surrogate country. We determined that India was the most appropriate surrogate for the PRC in this case. (One of the respondents, Hunan, reported that it imported two raw material inputs for sparkler production. However, verification revealed that the raw materials were further processed in the PRC before their incorporation into sparklers. We were unable to determine the cost of such processing in a market economy country. Thus, we could not use the import prices paid by Hunan for

the raw materials that were processed further after importation.)

To value wire, we used the price reported by the sparkler industry in the Philippines. Although we do not know the characteristics of the wire used by the Philippines sparkler industry, the wire is nevertheless used to produce sparklers and is the best information we were able to develop.

For purposes of our final determination, we have used prices from the sparkler industry in India to value aluminum-magnesium alloy powder, aluminum powder, and ignition chemical. Respondents' concerns about the values used for these factors in the preliminary determination are therefore moot. We have also used prices from the sparkler industry in India to value barium nitrate, iron filings sulfur in both lump and powder form, potassium perchlorate, wheat flour, mucilage, plastic bags, caddies, cellophane film, master cartons, moistureproof paper and identifying dye.

With respect to resin, we agree with respondents that the use of the value for epoxy resins was inappropriate. Because resin is considered a phenolic resin, we have valued this factor using the average price of phenolic resins imported into India.

With respect to paste, we agree with respondents that the Philippines import statistics value for paste is more appropriate than the Indian import statistics value for glue. We therefore have valued paste using the average price of paste imported into the Philippines, which we calculated from Philippines import statistics.

With respect to silver powder, we have valued this factor using the average price of silver powder imported into India which we calculated from Indian import statistics. We adjusted the average import price for known differences based on information reported by respondents.

Comment 6: Respondents contend that the Department inappropriately valued labor based on the average wage rate for unskilled labor in major industrial groups in India, as reported in the petition. Respondents argue that the industries included in the average are "highly developed and sophisticated industries (while) the sparkler industry * * * is a handicrafts or cottage industry * * *". Respondents suggest that unskilled labor rates reported for the Indian cotton textile industry or the minimum wage in New Delhi, India, would be more reasonable than petitioner's information. Respondents further argue that, because sparklers are

produced in a rural area of India (Tamil Nadu) where the minimum wage would likely be lower than in New Delhi, the Tamil Nadu minimum wage reported by respondents would be most appropriate.

DOC Position: For purposes of our final determination, we valued PRC labor using actual wage rates paid by an Indian sparkler manufacturer to its workers.

Comment 7: Respondents contend that the Department's calculation of factory overhead using a combination of information supplied in the petition and information reported by the sparkler industry in Pakistan was unjustified. Respondents' contention hinges on three arguments: (a) That the Department's conclusion that the overhead level in the PRC sparkler industry is somewhere between the overhead levels in the United States and Pakistan is inappropriate because it is based on a videotape of a PRC sparkler factory that is no longer in operation; (b) that the Department could have used the respondents' reported factory overhead attributable to sparkler production; and (c) that the Department alternatively could have used overhead information reported by the Pakistan sparkler industry.

Respondents further contend that the Department inappropriately applied the factory overhead percentage used to the packing-inclusive cost of manufacture rather than the packing-exclusive cost of manufacture.

Petitioner argues that costs associated with placing sparklers into caddies should be treated as normal labor and material costs, and that only costs associated with preparing cartons of sparklers should be considered packing costs. Petitioner also argues that, in addition to overhead attributable to the manufacturer, the Department should include in its overhead calculation overhead attributable to the exporter. Petitioner points out that Hunan did not report as overhead tools and equipment utilized in sparkler production.

Petitioner argues that factory workers' "down-time," as well as the time of supervisory and indirect labor, should be accounted for in factory overhead.

DOC Position: At the time of the preliminary determination, we had not developed any meaningful information concerning factory overhead expense in market economy countries. Since that time, an Indian manufacturer of sparklers has reported information on its factory overhead to us.

The Indian manufacturer reported that overhead is 17 percent of "total cost" and, further, that overhead is composed almost entirely of packing materials and labor. The manufacturer could not

calculate a packing-exclusive overhead figure. We are nevertheless able to infer from the manufacturer's account that packing-exclusive overhead is very small as a percentage of direct materials and labor.

For purposes of our final determination, we assumed factory overhead to be zero as the closest approximation of the actual overhead figure. The Indian manufacturer also supplied us with separate packing material and labor costs which we used in our normal calculation of FMV.

Petitioner's suggestion that overhead attributable to the reseller be included in factory overhead is inappropriate since exporter-related overhead expenses are captured by imputing selling, general, and administrative expenses in the FMV.

Comment 8: Respondents argue that the Department erred in including a dangerous cargo surcharge in its calculation of surrogate freight charges because the PRC companies did not incur such a surcharge when shipping using nonmarket freight carriers.

DOC Position: We disagree. Since the PRC companies incurred the freight charges using NME carriers, we used surrogate freight information (see the "Foreign Market Value" section of this notice). The information we obtained indicated that, in a market economy, a dangerous cargo surcharge would be applied to sparkler shipments.

Respondents' home market experience is not applicable since market forces are not at work.

Comment 9: Respondents claim that the Department's decision to exclude one Guangxi sale was improper because Guangxi had reported all POI sales to the United States.

DOC Position: We disagree. We excluded this sale because the sale was reported as a telephone order. In its November 19, 1990, questionnaire response, Guangxi reported that, in cases where orders come over the telephone, it does not know the destination of the merchandise in question. Because Guangxi does not know at the time of sale whether telephone order sales are U.S.-bound, we did not consider this to be a U.S. sale and therefore excluded this sale from our margin calculations.

Comment 10: Respondents contend that Hunan's failure to report in its questionnaire response the use of flour and dye in its manufacturing process does not warrant the use of best information available because the factors are insignificant. Respondents further contend that the Department should ignore the factor amounts

reported at verification because they are *de minimis*.

Petitioner argues that, because Hunan failed to submit information on flour and dye before verification, the Department must make adverse inferences in determining the best information available as to these factors.

DOC Position: We determined that the omission of these factors from the questionnaire response represented a clerical error that was easily corrected. We have therefore used the quantities verified, and valued them based on prices reported by the Indian sparkler manufacturer.

Comment 11: Respondents contend that the Department should determine that critical circumstances do not exist based on information reported in questionnaire responses and gathered at verification.

DOC Position: We have determined that critical circumstances do not exist with respect to the subject merchandise. See the "Critical Circumstances" section of this notice for further details.

Comment 12: Petitioner contends that the Department should modify the scope of the investigation for the final determination so as to include sparklers made of bamboo, wood, plastic or other materials besides wire in order to forestall potential circumvention.

Respondents argue that no scope modification is warranted because petitioner defined the scope in its petition and has presented no evidence as to why a modification is not appropriate.

DOC Position: Petitioner has not provided adequate information as to why the scope of the investigation should be modified for the final determination. Under 19 CFR 353.29, interested parties may formally request that the Department determine whether particular merchandise is within the scope of an antidumping duty order. Should the Department issue an order in this case, petitioner may choose to renew its request for such a ruling and provide the necessary support.

Comment 13: Petitioner contends that the Department should use all of the Hunan information that changed at verification and that was verified. Petitioner also contends that the Department should use the best information available for Hunan information that could not be verified. In the latter category, petitioner specifically includes the imported factor prices and Hunan's overhead figures.

DOC Position: We have used all of Hunan's verified information, including information that changed as a result of verification. We did not use any

imported factor prices because, among other reasons, we could not verify payment for these factors. We applied overhead information reported by an Indian sparkler manufacturer.

Comment 14: Petitioner argues that a figure reported as a commission should be considered a discount because no commissionaire agreement exists.

DOC Position: We agree, and, as in our preliminary determination, have treated this amount as a discount for purposes of our final determination.

Comment 15: Petitioner contends that Hunan's reported packing labor figures are not credible and should be disregarded in favor of best information available.

Respondents contend that Hunan's reported packing labor figures were verified and thus cannot be rejected.

DOC Position: We verified Hunan's reported packing labor figures and have therefore used them for purposes of our final determination.

Continuation of Suspension of Liquidation

In accordance with 19 CFR 353.15(a)(3)(i), we are directing the United States Customs Service to continue to suspend liquidation of all entries of sparklers from the PRC, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after December 17, 1990, the date of publication of the preliminary determination in the *Federal Register*. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated amounts by which the FMV of subject merchandise from the PRC exceed the U.S. price, as shown below.

Manufacturer/producer/exporter	Margin percentage
Gaungxi Native Produce Import & Export Corporation, Behai Fireworks and Firecrackers Branch.....	1.64
Hunan Provincial Firecrackers & Fireworks Import & Export (Holding) Corporation.....	93.54
Jiangxi Native Produce Import & Export Corporation, Guangzhou Fireworks Company.....	65.78
All Others.....	75.88

This suspension of liquidation will remain in effect until further notice.

ITC Notification

In accordance with section 735(f) of the Act, we have notified the International Trade Commission (ITC) of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary

information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

The ITC will determine within 45 days from the date of this final determination whether there is material injury, or the threat thereof, to the domestic industry. If the ITC determines that material injury, or threat of material injury, does not exist, the proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. However, if the ITC determines that material injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on sparklers from the PRC entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, equal to the amount by which the FMV exceeds the United States price.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)) and 19 CFR 353.20(a)(4).

Dated: April 26, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-10597 Filed 5-3-91; 8:45 am]

BILLING CODE 3510-DS-M

A-588-702

Stainless Steel Butt-Weld Pipe and Tube Fittings From Japan; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On January 28, 1991, the Department of Commerce ("the Department") published the preliminary results of its administrative review of the antidumping duty order on stainless steel butt-weld pipe and tube fittings ("SSPFs") from Japan. The review covers one manufacturer, Nippon Benkan Kogyo, K.K. ("Benkan"), an exporter of this merchandise to the United States for the period from March 1, 1989, through February 28, 1990. We preliminarily found a dumping margin of

6.97 percent. The administrative review for the period of September 16, 1987, through February 28, 1989 had a weighted average margin of 0.70 percent.

We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received, we have changed the margin from that presented in our preliminary results. We have determined the final margin to be 6.96 percent.

EFFECTIVE DATE: May 6, 1991.

FOR FURTHER INFORMATION CONTACT: Bruce Harsh or Linda L. Pasden, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

On January 28, 1991, the Department published in the *Federal Register* (56 FR 3070) the preliminary results of its administrative review of the antidumping duty order on stainless steel butt-weld pipe fittings from Japan (53 FR 9787, March 25, 1988). The Department has completed the administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Tariff Act").

Imports covered by this review are shipments of stainless steel butt-weld pipe and tube fittings from Japan. These fittings are used in piping systems for chemical plants, pharmaceutical plants, food processing facilities, waste treatment facilities, semiconductor equipment applications, nuclear power plants, and other applications. Such merchandise is classifiable under Harmonized Tariff Schedules ("HTS") item number 7307.230000. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

This review covers Benkan, a manufacturer/exporter to the United States of stainless steel pipe and tube fittings from Japan, and the period from March 1, 1989, through February 28, 1990.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received written comments and rebuttal comments from Flowline, the petitioner, and Benkan, the respondent.

Comment 1: Flowline argues that the pipe fittings, as revealed in Benkan's February 14, 1991, submission, are not identical in physical characteristics.

Flowline notes that when the "identical" pipe fittings (*i.e.*, those having the same product code) in each market are compared with each other, they have different finished weights and require different amounts of raw materials. By claiming that these fittings are "identical," Benkan has materially understated the adjustment in FMV for such fittings. Flowline urges, at a minimum, that the FMV's reported by Benkan in this administrative review should be adjusted to account for the substantial physical differences in butt-weld fittings described by Benkan as identical. Flowline asserts that there is little doubt that Benkan's claim that physically identical merchandise was sold in both markets misled ITA and thus has significantly impeded this review. Therefore, Flowline urges ITA to base the final results of this administrative review on the "Best Information Available" rather than on Benkan's submissions. "Best Information" in this instance is the 37.24 percent dumping margin found in the LTFV investigation.

Benkan argues that the use of the finished product weight for calculation of the difference in merchandise adjustment ("difmer") is a valid method. Benkan utilized the finished product weight since it was in their computer data base and was readily accessible. Benkan notes that any benefit they derived by utilizing the finished weight was an incidental and unintended consequence due to simplifying the processing of information. However, Benkan believes that if the Department adopts the petitioner's suggestion to modify the difmer, the effect on the margins will be insignificant.

Department's Position: The Department does not agree with the petitioner that the administrative review should be based on "Best Information Available" rather than on Benkan's submissions. The Department has accepted Benkan's characterization of identical fittings in that this merchandise matches all product criteria used for this review. Flowline's argument is based on the U.S. product weights reported in Benkan's February submission. After reviewing Benkan's submission, the Department noted discrepancies between the February submission and the questionnaire response in regard to the U.S. product weights of the fittings. The Department has resolved this discrepancy by accepting the weights reported in Benkan's questionnaire response given that they reflect the same weights reported in Benkan's verified questionnaire response from the prior

review. The U.S. weights reported in the questionnaire response are very similar to the home market weights reported in the submission. While some identical fittings (*i.e.*, having the same 6-digit product code) have slight differences in finished weights, the finished weight differences between the identical fittings could be attributed to the tolerances allowed in production.

The Department does, however, agree with the petitioner that the difmer for sales involving similar product matches should be recalculated to reflect physical differences attributed to the production of the different fittings. In response to comments received after the preliminary results of review, the Department requested that Benkan provide for the record the yield rates and data concerning scrap recovery (by quantity and value) for use in difmer adjustments. Benkan provided the yield rates, the finished product weights, and the base material weights. Benkan did not provide the scrap information. Benkan stated that the revenue from the scrap sales is not allocated to the production costs of the subject fittings because it considers this as miscellaneous revenue. The Department continues to use the finished weights from the questionnaire response, which were verified during the previous review, for the difmer adjustment. The petitioner did not object to the use of the actual yield rates provided in Benkan's submission, and the Department used the applicable yield rates to adjust for the physical raw material differences. The Department made no offset in the difmer adjustment for scrap revenue since Benkan did not provide this information.

Comment 2: Flowline stated that movement charges should be calculated on an entry-by-entry basis rather than on an aggregated monthly basis. Flowline noted that Benkan should already know exactly what its movement costs for each sale are.

Benkan argues that the use of movement charges aggregated on a monthly basis is appropriate. These movement charges were calculated and reported based on the actual costs incurred.

Department's Position: We agree with the petitioner that the Department should use the entry-by-entry data that was provided. This is consistent with the Department's preference to use shipment-specific data in calculating movement charges. For the final results, the Department used the provided shipment-specific data in calculating movement charges.

Final Results of the Review

As a result of our review, we determine that a margin of 6.96 percent exists for Benkan for the period March 1, 1989, through February 28, 1990.

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service. Individual differences between United States price and foreign market value may vary from the percentage stated.

Further, as provided for in section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based upon the above margin shall be required for Benkan. For any future entries of this merchandise from a new exporter, not covered in this administrative review, whose first shipments occurred after February 28, 1990, and who is unrelated to the reviewed firm, a cash deposit of 6.96 percent will be required. The cash deposit rate for any shipments of this merchandise manufactured or exported by the remaining known manufacturers/exporters not covered in this review will continue to be at the last published rate.

These deposit requirements are effective for all shipments of stainless steel butt-weld pipe and tube fittings from Japan, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and (19 CFR 353.22(c)(8)).

Dated: April 30, 1991.

Marjorie A. Chorlins,
Acting Assistant Secretary for Import Administration.

[FR. Doc. 91-10653 Filed 5-3-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-604]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished From Japan; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests by two respondents and petitioner, the Department of Commerce has conducted an administrative review of the antidumping duty order on tapered

roller bearings and parts thereof, finished and unfinished, from Japan. The review covers four manufacturers/exporters of the subject merchandise to the United States during the period October 1, 1988, through September 30, 1989. The review indicates the existence of dumping margins for the period.

As a result of the review, the Department has preliminarily determined to assess antidumping duties equal to the difference between the United States price and foreign market value.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 6, 1991.

FOR FURTHER INFORMATION CONTACT:

Chip Hayes, Laurel LaCivita, or Laurie Lucksinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5253.

SUPPLEMENTARY INFORMATION:

Background

On October 6, 1989, the Department of Commerce (the Department) published a notice of "Opportunity to Request an Administrative Review" (54 FR 41317). Two respondents and petitioner requested an administrative review. We initiated the review on November 20, 1989 (54 FR 48010), covering the period October 1, 1988, through September 30, 1989. The Department has now conducted this review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act). We published the preliminary results of review for the period March 27, 1987, through September 30, 1988, on April 1991 (56 FR 13618).

Scope of the Review

Imports covered by the review are sales or entries of tapered roller bearings (TRBs) and parts thereof, which are flange, take-up cartridge, and hanger units incorporating TRBs, and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. Products subject to the outstanding dumping finding covering certain TRBs from Japan four inches or less in outside diameter, and certain components thereof (A-588-054), are not included within the scope of this order. This order includes all TRBs and parts thereof, as described above, that are manufactured by NTN Toyo Bearing Co., Ltd. (NTN). During the review period such merchandise was classifiable under item numbers 680.30, 680.39, 681.10, and 692.32 of the Tariff Schedules of the United States

Annotated (TSUSA). This merchandise is currently classifiable under the Harmonized Tariff Schedule (HTS) item numbers 8482.99.30, 8483.20.40, 8482.20.00, 8483.20.80, 8482.91.00, 8483.30.80, 8483.90.20, 8483.90.30, and 8483.90.80. The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers TRB sales by Koyo Seiko Company, Ltd. (Koyo), Nippon Seiko K.K. (NSK), Nachi Fujikoshi Corporation (Nachi), and entries of merchandise manufactured by NTN Toyo Bearing Company, Ltd. (NTN) and entered by Caterpillar during the period October 1, 1988, through September 30, 1989. Nachi reported no shipments. Because the Department did not establish a separate rate for Nachi in the antidumping duty order and Nachi has never before been subject to administrative review, we have assigned Nachi a rate of 36.52 percent, based on the all other rate from the antidumping duty order, as amended.

United States Price

The Department used exporter's sales price (ESP) for Koyo and NSK and purchase price (PP) for NTN's sales to Caterpillar, as defined in section 772 of the Tariff Act, to calculate United States price. ESP was based on the packed, delivered price to unrelated purchasers in the United States. We made adjustments, where applicable, for foreign inland freight, ocean freight, marine insurance, export inspection fees, brokerage and handling, U.S. inland freight, U.S. duty, commissions to unrelated parties, U.S. credit, discounts, warranties, technical expenses, packing expenses incurred in the United States, and indirect selling expenses (which include inventory carrying costs, warehouse transfer expenses, advertising, and selling expenses). We also adjusted ESP for value added by further manufacturing, including an allocation of profit earned on U.S. sales. No other adjustments were claimed or allowed.

Purchase price for NTN was based on the c.i.f. price to an unrelated purchaser in the United States. We made adjustments for brokerage and handling and foreign inland freight. No other adjustments were claimed or allowed.

Foreign Market Value

The Department used the home market price, as defined in section 773 of the Tariff Act, to calculate foreign market value (FMV). If sufficient quantities of such or similar merchandise were not sold in the home market to allow a comparison between

the United States price and FMV, we used constructed value as the basis for FMV.

In general, the Department relies on monthly weighted-average prices in the calculation of FMV. In consideration of the significant volume of home market sales involved in this review, we examined whether it was appropriate to average respondents' home market sales in accordance with section 777A of the Tariff Act. To determine whether an annual average is representative of the transactions under consideration, we compared the monthly weighted-average home market price for each product with the weighted-average price for the entire review period. Because the weighted-average price for each model sold by Koyo and NSK over the entire period did not vary meaningfully from the monthly weighted-average prices of sales, we consider overall weighted-average prices to be representative of the transactions under consideration. Therefore, we calculated a single FMV for each model sold by Koyo and NSK on an annual weighted-average basis, in accordance with section 777A of the Tariff Act.

Some of NTN's U.S. entries during the period were made pursuant to sales contracts pre-dating the period, so we tested the stability of NTN's home market sales which were contemporaneous to those U.S. sales. While we found that NTN's six-month weighted-average prices in 1987 did not vary meaningfully from its monthly weighted-average home market prices, the overall weighted-average price of each model did. NTN's annual weighted-average prices in 1988 and 1989 did not vary meaningfully from monthly weighted-average prices. Therefore, we calculated the FMV for each model sold by NTN on a semi-annual weighted-average basis for sales in 1987 and on an annual basis for sales in 1988 and 1989. These weighted-average FMVs are representative, within the meaning of section 777A of the Tariff Act.

When we used home market sales as the basis of comparison, we based FMV on the packed, F.O.B., ex-factory or delivered price to unrelated purchasers in the home market. We made adjustments, where applicable, for inland freight, credit, discounts, commissions, warranty, and differences in physical characteristics. We adjusted FMV for indirect selling expenses (which include post-sale price adjustments and rebates) in the home market to offset indirect selling expenses on ESP sales in the United States. We limited the indirect selling

expenses deduction on home market sales by the amount of the indirect selling expenses incurred in the United States. We added packing expenses incurred in Japan for U.S. sales to FMV.

Based on petitioner's allegations, we investigated whether NTN, NSK, and Koyo sold merchandise covered by the order in the home market at prices below the cost of production. In accordance with section 773(b) of the Tariff Act, we used constructed value as the basis for FMV when home market sales were made at prices below the cost of production.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, labor, and factory overhead in our calculations. The actual selling, general and administrative expenses (SG&A) and profits of Koyo and NTN were less than the statutory minimums of ten and eight percent, respectively, of the cost of manufacture. Therefore, we used the statutory minimums in our calculation of constructed value. The SG&A and profit for NSK were equal to or greater than the statutory minimums; consequently, we calculated constructed value using NSK's actual figures for SG&A and profit.

Preliminary Results of Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist for the period October 1, 1988, through September 30, 1989:

Manufacturer	Margin (percent)
Koyo Seiko, K.K.	49.99
NTN (Caterpillar)	8.93
Nippon Seiko, K.K.	30.46
Nachi Fujikoshi Corporation	¹ 36.52

¹ No shipments during the period.

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication or the first workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 37 days after the date of publication of this notice. The Department will publish the final results of the administrative review

including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries.

Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisal instructions on each exporter directly to the Customs Service.

Furthermore, as provided for by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margins shall be required on shipments of TRBs from Japan. For any shipments of this merchandise manufactured by NTN and imported by Caterpillar, the cash deposit will be 8.93 percent.

In general, we do not establish importer-specific cash deposit rate. However, due to many reasons, we have not completed our analysis of NTN's exports to the United States to importers other than Caterpillar, although we have completed our analysis of Caterpillar's imports from NTN. Because we did not wish to delay issuance of our preliminary results of review, we have included sales by NTN to Caterpillar for the review period, and, therefore, we are issuing a cash deposit rate preliminarily resulting from the review. Shipments of TRBs manufactured by NTN and not imported by Caterpillar will continue to have a cash deposit requirement of 36.53 percent, which was established in the antidumping duty order, as amended.

For any future entries of this merchandise from an exporter not covered in this or any previous review, and who is unrelated to any review firm, a cash deposit of 49.99 percent shall be required. These deposit requirements are effective for all shipments of the covered merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: April 30, 1991.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91-10654 Filed 5-3-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-122-507]

Certain Fresh and Chilled Whole Atlantic Ground Fish From Canada; Intent To Revoke Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of intent to revoke countervailing duty order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the countervailing duty order on certain fresh and chilled whole Atlantic ground fish from Canada. Interested parties who object to this revocation must submit their comments in writing not later than May 31, 1991.

EFFECTIVE DATE: May 6, 1991.

FOR FURTHER INFORMATION CONTACT: Al Jemmott or Paul McGarr, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION: Background

On May 15, 1986, the Department of Commerce (the Department) published a countervailing duty order on certain fresh and chilled whole Atlantic ground fish from Canada (51 FR 17785). The Department has not received a request to conduct an administrative review of the countervailing duty order on certain fresh and chilled whole Atlantic ground fish from Canada for four consecutive annual anniversary months. This is the fifth anniversary.

In accordance with 19 CFR 355.25(d)(4)(iii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no interested party objects to revocation or requests an administrative review by the last day of the fifth anniversary month. Accordingly, as required by section 355.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this order.

Opportunity to Object

Not later than May 31, 1991, interested parties, as defined in § 355.2(i) of the Department's regulations, may object to the Department's intent to revoke this countervailing duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review or object to the Department's intent to revoke by May 31, 1991, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 355.25(d).

Dated: April 29, 1991.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 91-10655 Filed 5-3-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-351-504]

Certain Heavy Iron Construction Castings From Brazil; Intent To Revoke Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of intent to revoke countervailing duty order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the countervailing duty order on certain heavy iron construction castings from Brazil. Interested parties who object to this revocation must submit their comments in writing not later than May 31, 1991.

EFFECTIVE DATE: May 6, 1991.

FOR FURTHER INFORMATION CONTACT: Elizabeth Levy or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1986, the Department of Commerce ("the Department") published a countervailing duty order on certain heavy iron construction castings from Brazil (51 FR 17786). The Department has not received a request to conduct an administrative review of the countervailing duty order on certain heavy iron construction castings from Brazil for four consecutive annual anniversary months. This is the fifth anniversary.

In accordance with 19 CFR 355.25(d)(4)(iii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no interested party objects to revocation or requests an administrative review by the last day of the fifth anniversary month. Accordingly, as required by § 355.25(d)(4) of the Department's

regulations, we are notifying the public of our intent to revoke this order.

Opportunity To Object

Not later than May 31, 1991, interested parties, as defined in § 355.2(i) of the Department's regulations, may object to the Department's intent to revoke this countervailing duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review or object to the Department's intent to revoke by May 31, 1991, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 355.25(d).

Dated: April 29, 1991.

Joseph A. Spetrini,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 91-10656 Filed 5-3-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-005]

Litharge and Red Lead From Mexico; Initiation and Preliminary Results of Changed Circumstances Countervailing Duty Administrative Review and Intent to Revoke Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of initiation and preliminary results of changed circumstances countervailing duty administrative review and intent to revoke countervailing duty order.

SUMMARY: The Department of Commerce has information sufficient to warrant initiation of a changed circumstances administrative review of the countervailing duty order on litharge and red lead from Mexico. Because the U.S. industry is not interested in having the United States Trade Representative refer this case to the International Trade Commission to conduct a section 332 investigation and, consequently, is not interested in maintaining the countervailing duty order on duty-free imports of litharge and red lead from Mexico, we intend to revoke the order. We invite interested parties to comment on these preliminary results and intent to revoke.

EFFECTIVE DATE: May 6, 1991.

FOR FURTHER INFORMATION CONTACT:

Philip Pia or Paul McGarr, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION: On December 6, 1982, the Department of Commerce (the Department) published in the Federal Register (47 FR 54847) a notice of final affirmative countervailing duty determination and countervailing duty order on litharge, red lead and lead stabilizers from Mexico. At the time the countervailing duty order was issued, Mexico was not entitled to an injury test under U.S. and international law. Countervailing duties were imposed upon this merchandise without a determination that these entries were injuring the relevant domestic industry.

On August 24, 1986, Mexico acceded to the General Agreement on Tariffs and Trade (GATT). Consistent with our earlier positions in Certain Fasteners from India; Final Results of Administrative Review and Partial Revocation of Countervailing Duty Order (47 FR 44129; October 6, 1982) and Carbon Steel Wire Rod from Trinidad and Tobago; Preliminary Results of Administrative Review and Tentative Determination to Revoke Countervailing Duty Order (50 FR 19561; May 9, 1985), the Department has concluded that it lacks the authority under article VI of the GATT and section 303(a)(2) of the Tariff Act of 1930, as amended (the Tariff Act), to levy countervailing duties on duty-free imports from Mexico entered on or after August 24, 1986 absent a determination regarding injury to the domestic industry.

In order to fulfill our international obligations, we have developed procedures whereby the U.S. International Trade Commission (ITC) will, at the request of the United States Trade Representative (USTR), conduct an investigation pursuant to section 332 of the Tariff Act to assess whether (1) an industry in the United States would be materially injured, or would be threatened with material injury, or (2) the establishment of an industry in the United States would be materially retarded, if the Department were to revoke an outstanding countervailing duty order with respect to duty-free merchandise from Mexico.

On February 20, 1990, the Department published in the Federal Register (55 FR 5869) a notice of Final Results of Changed Circumstances Countervailing Duty Administrative Review and Revocation of Countervailing Duty Order (In Part); Litharge, Red Lead and Lead Stabilizers from Mexico. At that

time, lead stabilizers were the only products covered by that order that were duty-free and, therefore, entitled to an investigation pursuant to section 332. We determined that there was no interest on the part of the domestic industry in USTR requesting such an investigation, and we partially revoked the outstanding countervailing duty order with respect to lead stabilizers from Mexico. Litharge and red lead, the remaining products covered by this countervailing duty order, were provided duty-free status effective July 1, 1990, by Proclamation 6123 of April 26, 1990 (55 FR 18075; May 1, 1990), which provided preferential tariff treatment under the Generalized System of Preferences (GSP) to certain countries that have been excluded from the benefits of the GSP for certain eligible articles imported from such countries.

On March 18, 1991, we sent letters to all domestic interested parties on the Department's service list informing them of the procedures to initiate an investigation pursuant to section 332 on litharge and red lead from Mexico. In order to determine whether there was any interest in USTR requesting such an investigation, we requested that interested parties submit a statement of interest within 30 days of the date of receipt of our letter. We stated that if we received a statement of interest, we would urge USTR to request that the ITC conduct an investigation pursuant to section 332. We further stated that, in the absence of a statement of interest, we would initiate procedures to revoke the countervailing duty order on litharge and red lead from Mexico. We received no response.

Scope of Review

Imports covered by this review are litharge and red lead from Mexico. Through 1983, such merchandise was classifiable under item numbers 473.5200 (litharge) and 473.5600 (red lead) of the Tariff Schedules of the United States Annotated. This merchandise is currently classifiable under the following Harmonized Tariff Schedule (HTS) numbers: 2824.10.00 and 2822.20.00. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Initiation, Preliminary Results of Review and Intent To Revoke

We have determined that changed circumstances exist sufficient to warrant initiation of a changed circumstances review. These changed circumstances include: (1) The Government of Mexico's accession to the GATT; (2) our international obligations requiring us

not to levy countervailing duties on duty-free imports from GATT-member countries in the absence of an affirmative injury determination; (3) the duty-free status accorded Mexican litharge and red lead; and (4) the domestic industry's lack of interest in having USTR refer this case to the ITC to conduct a section 332 investigation and, consequently, its lack of interest in maintaining the countervailing duty order on litharge and red lead from Mexico. Under these circumstances, we conclude that expedited action is warranted and are combining the notices of initiation and preliminary results of our changed circumstances administrative review.

Thus, we preliminarily determine that there is a reasonable basis to believe that the requirements for revocation based on changed circumstances are met. Accordingly, we intend to revoke the countervailing duty order with respect to litharge and red lead from Mexico effective July 1, 1990. The current requirements for the cash deposit of estimated countervailing duties will remain in effect until publication of the final results of this review.

Interested parties may request a hearing not later than 10 days after the date of publication of this notice, and may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e). The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This initiation of review, administrative review, intent to revoke and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675 (b) and (c)) and 19 CFR 355.22 (h)(1) and (h)(4) and 355.25 (d)(1), (d)(2) and (d)(3).

Dated: April 29, 1991.

Eric I. Garfinkel,
Assistant Secretary for Import
Administration.
[FR Doc. 91-10657 Filed 5-3-91; 8:45 am]
BILLING CODE 3510-09-M

National Oceanic and Atmospheric Administration

Marine Mammals: Issuance of Permit; NMFS, National Marine Mammal Laboratory (P77#49)

On March 14, 1991, notice was published in the Federal Register (56 FR 10861) that an application had been filed by the National Marine Mammal Laboratory, Alaska Fisheries Science Center, 7600 Sand Point Way, NE., Seattle, WA 98115, for a Permit to take up to 60 California sea lions (*Zalophus californianus*) over a 2-year period for scientific purposes. The original application was modified to eliminate the lethal take of healthy full-term pups. The Permit authorizes up to 30 adult female and 10 full-term to be captured, sampled and released and up to 10 premature pups sampled.

Notice is hereby given that on April 30, 1991, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

Issuance of this Permit is based on a finding that the proposed taking is consistent with the purposes and policy of the Marine Mammal Protection Act. The Service has determined that this research satisfies the issuance criteria for scientific research permits. The taking is required to further a bona fide scientific purpose and does not involve unnecessary duplication of research.

The Permit is available for review in the following offices:

By appointment: Office of Protected Resources, Permit Division, National Marine Fisheries Service, 1335 East-West Hwy., Silver Spring, Maryland 20910 (301/427-2289);

Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, BIN C15700, Seattle, Washington, 98115 (206-526-6150); and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731-7415 (213/514-6196).

Dated: April 30, 1991.

Nancy Foster,

Director, Office of Protected Resources,
National Marine Fisheries Service.

[FR Doc. 91-10555 Filed 5-3-91; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amendment of Export Visa Requirements for Certain Cotton Textile Products Produced or Manufactured in Bangladesh

May 1, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs amending export visa requirements.

EFFECTIVE DATE: May 3, 1991.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The existing export visa arrangement between the Governments of the United States and the People's Republic of Bangladesh is being amended to require a visa for shipments of cotton textile products in part-Categories 369-S and 369-O, produced or manufactured in Bangladesh and exported from Bangladesh on and after May 1, 1991.

A description of the textile and apparel categories in terms of HTS numbers is available in the Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 55 FR 50758, published on December 10, 1990). Also see 53 FR 46484, published on November 17, 1988.

Dated: May 1, 1991.

Auggie D. Tantillo,
Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 1, 1991

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 14, 1988, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. That directive directed you to prohibit entry of certain cotton, wool and man-made fiber textile products, produced or manufactured in Bangladesh which are not properly visaed by the Government of the People's Republic of Bangladesh.

Effective on May 3, 1991, you are directed to amend further the directive dated

November 14, 1988, to include coverage of part-Categories 369-S¹ and 369-O². Merchandise in Category 369 which is exported from Bangladesh prior to May 1, 1991 shall not be subject to these part-category visa requirements. Goods exported from Bangladesh on and after May 1, 1991 shall be denied entry if not accompanied by the correct part-category designation.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91-10718 Filed 5-2-91; 10:57 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board Communications Panel of the Ad Hoc Committee Study of Off-Board Sensors—Summer Study 1991 will meet on 22-24 May 91 from 8 a.m. to 5 p.m. at ESC, San Antonio, TX, and Hurlburt Field, FL.

The purpose of this meeting is to receive presentations of Air Force projects and programs relevant to the concept using off-board sensors data to support air combat operations. This meeting will involve discussions of classified defense matters listed in section 552b(c) of title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697-4648.

Patsy J. Conner,
Air Force Federal Register Liaison Officer.

[FR Doc. 91-10627 Filed 5-3-91; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

April 30, 1991.

The USAF Scientific Advisory Board Sensor Panel of the Ad Hoc Committee Study of Off-Board Sensors—Summer Study 1991 will meet on 21-22 May 91 from 8 to 5 p.m. at Anser, 1215 S. Jefferson Davis Hwy., Arlington, VA.

¹ Category 369-S: only HTS number 6307.10.2005.

² Category 369-O: all HTS numbers except 6307.10.2005 (Category 369-S).

The purpose of this meeting is to review Air Force projects and programs relevant to the concept using off-board sensors data to support air combat operations. This meeting will involve discussions of classified defense matters listed in section 552b(c) of title 5, United States Code, specifically subparagraph (1)(f) and (4) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697-4648.

Patsy J. Conner,
Air Force Federal Register Liaison Officer.

[FR Doc. 91-10628 Filed 5-3-91; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 18-20 June 1991.

Time: 0800-1700 18-19 June 1991, 0800-1200 20 June 1991.

Place: Fort Detrick, Maryland.

Agenda: A subgroup of the Army Science Board (ASB) 1991 Summer Study on the Soldier As a System will hold discussions with personnel from the U.S. Army Medical Research and Development Command on the medical research, development and acquisition process. The meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695-0781/0782.

Sally A. Warner,
Administrative Officer, Army Science Board.

[FR Doc. 91-10573 Filed 5-3-91; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 29 May 1991.

Time: 0900-1700.

Place: Aeroflightdynamics Directorate, AVSCOM, NASA, Ames Research Center, Mountain View, California.

Agenda: The Army Science Board (ASB) 1991 Summer Study on Army Simulation Strategy will hold a one-day

meeting. The meeting will include technical programmatic briefings and a site visit of the Crew Station Research and Development Facility (CSRDF) in the area of modeling and simulation. The meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695-0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 91-10571 Filed 5-3-91; 8:45 am]

BILLING CODE 3710-8-M

Department of the Navy

Board of Advisors to the President, Naval War College, Newport, RI; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is given that the Board of Advisors to the President, Naval War College, will meet on 14 and 15 May 1991, in room 210, Conolly Hall, Naval War College, Newport, Rhode Island. The meeting will commence at 8:30 a.m. on 14 May and terminate at approximately 12 noon on 15 May. The purpose of the meeting is to elicit the advice of the Board on educational, doctrinal, and research policies and programs. The agenda will consist of presentations and discussions on the curriculum, programs and plans of the College, and is open to the public. For further information contact: Mrs. Mary E. Guimond, Executive Assistant to the Dean of Academics, Naval War College, Newport, Rhode Island 02841-5010. Telephone number (401) 841-3589.

Dated: May 1, 1991.

Wayne T. Baucino,

Alternate Federal Register Liaison Officer.

[FR Doc. 91-10650 Filed 5-3-91; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Assessment Governing Board and its committees. This notice also describes

the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the open portions of the meeting.

DATES: May 9, 10, and 11, 1991.

TIME: May 9, 1991—Design and Analysis Committee—9 a.m. to 4:30 p.m. (open); Executive/Achievement Levels Joint Committee—3 p.m. to 4:30 p.m. (closed); Executive Committee—7 p.m. to 10 p.m. (open). May 10, 1991—Nominations Committee—7:30 a.m. to 9 p.m. (closed); National Assessment Governing Board—9 a.m. to 10 a.m. (open); 10 a.m. to 10:30 a.m. (closed); 10:30 a.m. to 1:30 p.m. (open); 1:30 p.m. to 2:30 p.m. (closed); 2:30 p.m. to 4:30 p.m. (open). May 11, 1991—Full Board—9 a.m., until approximately 11:30 a.m. (open); 11:30 a.m. to 12 Noon (closed); 12 Noon, until adjournment, approximately, 1:30 p.m. (open).

LOCATION: Hotel Washington, 15th and Pennsylvania Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roy Truby, Executive Director, National Assessment Governing Board, U.S. Department of Education, 1100 L Street, NW., suite 7322, Washington, DC., 20005-4013. TELEPHONE: (202) 357-6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board (NAGB) is established under section 406(i) of the General Education Provisions Act (GEPA) as amended by section 3403 of the National Assessment of Educational Progress Act (NAEP Improvement Act), Title III-C of the Augustus F. Hawkins—Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (Pub. L. 100-297); (20 USC 1221e-1).

The Board is established to advise the Commissioner of the National Center for Education Statistics on policies and actions needed to improve the form and use of the National Assessment of Educational Progress, and develop specifications for the design, methodology, analysis and reporting of test results. The Board also is responsible for selecting subject areas to be assessed, identifying the objectives for each age and grade tested, and establishing standards and procedures for interstate and national comparisons. On May 9, three committees will be in session. The Design and Analysis Committee will meet from 9 a.m. until 4:30 p.m. to receive briefings and to engage in discussions of highly technical issues which have significant implications for Board policy. Such

issues include but shall not be limited to within-grade scaling, NAEP design issues, alternative assessments, and international assessments. The Joint Executive/Achievement Levels Committee will meet in closed session from 3 p.m. until 4:30 p.m. During the closing meeting, the Committee will review and discuss recommendations on levels for the 1990 Mathematics Assessment. The discussion will include references to specific items from the 1990 Assessment, the disclosure of which would significantly frustrate the implementation of the NAEP. Further, the Board will discuss preliminary data from the NAEP, premature disclosure of which may be misleading and could have serious consequences for parties, whose performance could be misinterpreted, leading to decisions being taken by the Department and/or others, that would be based on incomplete, confusing, or erroneous inferences being drawn. Such matters are protected by exemption 9(B) of 552b(c) of title 5 U.S.C. Also, on May 9, the Executive Committee will meet in open session from 7 p.m. to 10 p.m. to review the outcome of the achievement levels replication/validation study and to approve the plans for setting achievement levels for upcoming assessments. On May 10, the Nominations Committee will meet in closed session from 7:30 a.m. until 9 a.m. The Nominations Committee will review and discuss the personal qualifications and experience of nominees for upcoming Board vacancies. Discussion of such information will touch upon matters that would constitute a clearly unwarranted invasion of personal privacy if conducted in open session, and will relate solely to the internal personnel rules and practices of an agency. Such matters are protected by exemptions (2) and (6) of section 552b(c) of title 5 U.S.C. The Board will meet in open session from 9 a.m. until 10 a.m., and 10:30 a.m. until 1:30 p.m. From 9 a.m., until 10 a.m., there will be an overview of the agenda, a report by the Executive Director, and a report on the substantial replication/validation study for 1990 NAEP mathematics achievement levels. During the period from 10:30 a.m., until 1:30 p.m., there will be meetings of the Humanities, Mathematics and Science, and Reporting and Dissemination Committees and a discussion with Secretary of Education, Lamar Alexander.

Beginning at 10 a.m., until approximately 10:30 a.m., the Board will meet in closed session to take action on recommendations on achievement levels

for the 1990 Mathematics Assessment. The discussion will include references to specific items from the 1990 Mathematics Assessment, the disclosure of which would significantly frustrate implementation of the NAEP. Further, premature disclosure of these data may be misleading and could have serious consequences for third parties, whose performance could be misinterpreted, leading to decisions being taken by the Department and/or others, that would be based on incomplete, confusing, or erroneous inferences being drawn. Such matters are protected by exemption 9(B) of section 552(b) of title 5 U.S.C. The meeting will also be closed between 1:30 p.m. and 2:30 p.m. for members to hear a briefing on the 1990 NAEP results. The discussion will include preliminary data from the NAEP, premature disclosure of which may be misleading and could have serious consequences for third parties, whose performance could be misinterpreted, leading to decisions being taken by the Department and/or others, that would be based on incomplete, confusing, or erroneous inferences being drawn. Such matters are protected by exemption 9(B) of section 552(b) of title 5 U.S.C. At 2:30 p.m., the Board will reconvene in open sessions when an update on NAEP activities and the following reports will be heard: progress on national education goals; results of the replication/validation study of the achievement levels setting process.

On May 11, the full Board will meet from 9 a.m., until adjournment at approximately 1:30 p.m. The meeting will be open from 9 a.m. until approximately 11:30 a.m. The proposed agenda for this portion of the meeting includes a report on the National Academy of Education interim evaluation of the NAEP trial state assessment and presentation of NAGB committee reports. From 11:30 a.m. to 12 Noon, the meeting will be closed. During this closed portion of the meeting, the Board will vote on nominees to be recommended to the Secretary for appointment to the Board. The Board will review and discuss the personal qualifications and experience of the nominees for upcoming Board vacancies. Discussion of such information will touch upon matters that would constitute a clearly unwarranted invasion of personal privacy if conducted in open session, and will relate solely to the internal personnel rules and practices of an agency. Such matters are protected by exemptions (2) and (6) of section 552(b) of title 5 U.S.C. From 12 Noon until adjournment, at approximately 1:30 p.m., the meeting

will be open. During this period, there will be a working lunch and adjournment.

A summary of the activities at the closed sessions and related matters, which are informative to the public and consistent with the policy of section 5 U.S.C. 552b, will be available to the public within 14 days after the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, 1100 L Street NW., suite 7322, Washington, DC, from 8:30 a.m. to 5 p.m.

Dated: April 30, 1991.

Bruno V. Manno,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 91-10702 Filed 5-3-91; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TQ91-8-63-000]

Carnegie Natural Gas Co.; Proposed Changes in FERC Gas Tariff

April 29, 1991.

Take notice that on April 25, 1991, Carnegie Natural Gas Company ("Carnegie") tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1:

Sixth Revised Twelfth Revised Sheet No. 8
Sixth Revised Twelfth Revised Sheet No. 9

Carnegie states that pursuant to § 154.308 of the Commission's regulations and the Commission's Order Nos. 483 and 483-A, it is filing an Out-of-Cycle PGA to reflect a substantial decrease in its projected overall system sales for the month of May 1991. Carnegie states that, as a result of this projected sales decrease and the availability of low-priced spot gas supplies, Carnegie has increased its projection of storage gas injections for May 1991, thereby effecting a commodity rate decrease to its jurisdictional sales customers. Carnegie also states that its filing incorporates a decrease in the projected cost of spot gas supplies and a recent rate change filed on March 29, 1991, by Carnegie's pipeline supplier, Texas Eastern Transmission Corporation, in Docket No. TQ91-3-17-000.

The revised rates are proposed to become effective May 1, 1991, and reflect the following changes from

Carnegie's last fully-supported PGA filing in Docket No. TQ91-7-63-000: a \$0.0750 per Dth increase in the demand component of its LVWS and CDS rate schedules; \$0.3062 per Dth decrease in the commodity component of its LVWS and CDS rate schedules; a \$0.3038 per Dth decrease in its LVIS commodity rate; a \$0.0025 per Dth increase in its DCA charge under its LVWS and CDS rate schedules; and a \$0.1358 per Dth increase in its Standby Charge Adjustment, from \$0.2203 to \$0.3186 per Dth.

Carnegie states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to intervene or protest said filing should file an intervention and/or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such pleadings should be filed on or before May 6, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-10559 Filed 5-3-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM91-6-4-000]

Granite State Gas Transmission, Inc. Proposed Changes in Rates

April 29, 1991.

Take notice that on April 24, 1991, Granite State Gas Transmission, Inc. (Granite State) 300 Friberg Parkway, Westborough, Massachusetts 01581 tendered for filing Third Revised Sheet No. 25 in its FERC Gas Tariff, Second Revised Volume No. 1, containing changes in rates for effectiveness on May 1, 1991.

According to Granite State, it provides a storage service for Bay State Gas Company under its Rate Schedule GSS with storage capacity provided in a facility operated by CNG Transmission Corporation (CNG). It is further stated that Granite State's Rate Schedule GSS tracks changes made by CNG under its Rate Schedule CSS pursuant to which

Granite State obtains storage capacity from CNG.

Granite State further states that on March 29, 1991, in Docket No. RP91-125-000, CNG filed minor changes in its take-or-pay recovery mechanism which, in part, adjusted the Injection Charge component in its Rate Schedule GSS. According to Granite State, its filing adjusts the Injection Charge component in its Rate Schedule GSS to track the change made by CNG in Rate Schedule GSS.

Granite State states that copies of its filing were served on Bay State Gas Company and the regulatory commissions of the states of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before May 6, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-10562 Filed 5-3-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-227-021]

Paiute Pipeline Co.; Proposed Changes in FERC Gas Tariff

April 29, 1991.

Take notice that Paiute Pipeline Company (Paiute) on April 25, 1991 tendered for filing First Revised Volume No. 1-A to its FERC Gas Tariff, including Original Sheet Nos. 1-130, to be effective June 1, 1991. These tariff sheets are to be effective upon Paiute's conversion to a transportation only pipeline.

In addition, Paiute filed the following tariff sheets, which set forth rates which are effective until conversion takes place.

Original Volume No. 1

Substitute Seventh Revised Sheet No. 10
Substitute Eighth Revised Sheet No. 10
Substitute Ninth Revised Sheet No. 10
Substitute Tenth Revised Sheet No. 10
Third Substitute Eleventh Revised Sheet No. 10

Second Substitute Twelfth Revised Sheet No. 10
Second Substitute Thirteenth Revised Sheet No. 10
Second Substitute Fourteenth Revised Sheet No. 10
Second Substitute Fifteenth Revised Sheet No. 10
Second Substitute Sixteenth Revised Sheet No. 10
Second Substitute Seventeenth Revised Sheet No. 10
Substitute Eighteenth Revised Sheet No. 10
Original Volume No. 1-A

Substitute Original Sheet No. 10
Substitute First Revised Sheet No. 10
Substitute Fourth Revised Sheet No. 10
Substitute Fifth Revised Sheet No. 10
Substitute Sixth Revised Sheet No. 10
Substitute Seventh Revised Sheet No. 10

Paiute states that this filing is in compliance with Commission Orders issued on September 20, 1990, (52 FERC ¶61,311) and on March 26, 1991, (54 FERC ¶61,338) in Docket Nos. RP88-227-000, *et al.* Paiute states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such protests should be filed on or before May 6, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-10560 Filed 5-3-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP91-1627-000]

Tennessee Gas Pipeline Co. Technical Conference

April 29, 1991.

Take notice that on May 22, 1991, the Commission Staff will hold a technical conference to discuss the issues raised by the parties and Staff as a result of Tennessee Natural Gas Company's (Tennessee) proposal in the above referenced docket. All parties should be prepared to discuss those technical issues which pertain directly to the proposal and Tennessee should be prepared to answer the questions of the parties and Staff. Please bring an

adequate number of copies of any further written materials that are to be provided to the parties and Staff in support of any points raised in previous pleadings.

Docket No. CP91-1627-000 was filed on March 21, 1991, and a Notice of Application in that docket was issued by the Commission on April 2, 1991, and was published in the *Federal Register* on April 9, 1991, (56 FR 14368). The Notice of Application contains a description of Tennessee's proposal and other procedural information.

The primary technical issues which will be discussed at the technical conference are:

- (1) Shifts in reserves and deliverability of gas supply in various basins attached to the Tennessee system;
- (2) Proposed rate structure, rate design, and rate impact;
- (3) Cost allocation between new and existing facilities;
- (4) Cost allocation among directions of natural gas flows;
- (5) Capacity allocation, scheduling, and curtailments, including the possibility of an open season to allocate new capacity;
- (6) Capacity availability, as shown on flow diagrams;
- (7) Comparability of service between sales and transportation;
- (8) Relationship of this proposal to Tennessee's proposals in Docket No. CP89-470-000, *et al.*

Environmental issues will not be discussed at this conference.

The technical conference will be held at the Commission's offices in Washington, DC on May 22, 1991, and held over to May 23, 1991, if necessary. The conference will begin at 10 am in one of the Commission's hearing rooms at 810 First Street NE., Washington, DC. A specific room designation will be posted on the day of the conference.

The Commission Staff will provide an agenda for the technical conference. The agenda will include an initial presentation of about 30 minutes by Tennessee to summarize their proposal. The Commission Staff will announce any further procedures, as necessary, at the conference.

For further procedural information please contact Richard Eibel of the Commission Staff at (202) 208-0005. Please telephone Mr. Eibel by May 17, 1991, to confirm your attendance, the number of persons in your group that

will attend, and any special audiovisual needs you may have.

Lois D. Cashell,

Secretary.

[FR Doc. 91-10563 Filed 5-3-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM91-8-29-000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

April 29, 1991.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on April 25, 1991, certain revised tariff sheets to Second Revised Volume No. 1 of its FERC Gas Tariff included in appendix A attached to the filing.

Transco states that the purpose of the filing is to track rate changes attributable to (1) transportation services purchased from National Fuel Gas Supply Corporation (National Fuel) under its Rate Schedule X-42 and storage services purchased from Consolidated Natural Gas (CNG) under its Rate Schedule GSS the costs of which are included in the rates and charges payable under Transco's Rate Schedule LSS, (2) storage services purchased from Texas Eastern Transmission Corporation (TETCO) under its Rate Schedule X-28 the costs of which are included in the rates and charges payable under Transco's Rate Schedule S-2, and (3) storage services purchased from North Penn Gas Company (North Penn) under its Rate Schedule SS the costs of which are included in the rates and charges payable under Transco's Rate Schedule SS-1. The tracking filing is being made pursuant to section 4 of Transco's Rate Schedule LSS, section 26 of the General Terms and Conditions of Volume No. 1 of Transco's FERC Gas Tariff and section 5 of Transco's Rate Schedule SS-1.

Transco states that included in the appendices B through E attached to the filing are explanations of each of the tracking rate changes, the proposed effective date of such changes and details regarding the computation of the revised LSS, SS-1 and S-2 rates.

Transco notes that also included therein for filing are revised tariff sheets which incorporate the Rate Schedule LSS, SS-1 and S-2 rate changes proposed therein into subsequent intervening rate filings which have been accepted by the Commission to be effective on the dates reflected thereon.

Transco states that copies of the filing are being mailed to each of its

customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 6, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 91-10561 Filed 5-3-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-48-013]

Transwestern Pipeline Co.; Compliance Filing

April 29, 1991.

Take notice that on April 19, 1991, Southern California Gas Company (SoCalGas), pursuant to Commission's Order Modifying and Approving Contested Settlement, Rejecting Alternate Settlement; Granting Abandonment and Amending Blanket Certificate in Docket No. RP89-48-000 issued March 20, 1991, submits for filing its written procedures detailing SoCalGas plan to implement the open access, nondiscriminatory transportation assignment program on Transwestern Pipeline Company (Transwestern) approved by the Order.

SoCalGas' filing includes a settlement it has filed with the Public Utilities Commission of the State of California (CPUC). SoCalGas requests the Commission to find that the settlement is consistent with the nondiscriminatory, open-access requirements for capacity brokering on Transwestern, required by the March 20, 1991 order.

SoCalGas states that copies of the filing have been served upon each person designated on the service list compiled by the secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and

Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before May 6, 1991. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-10564 Filed 5-3-91; 8:45 am]

BILLING CODE 6717-01-M

Office of Environmental Restoration and Waste Management

Merit Review System

AGENCY: Department of Energy, Office of Environmental Restoration and Waste Management (EM).

ACTION: Program Notice.

SUMMARY: The Office of Environmental Restoration and Waste Management (EM) is publishing its Merit Review System in accordance with requirements set forth in the Department of Energy (DOE) Financial Assistance Rules, 10 CFR part 600. This notice establishes the procedures to be followed by EM program offices in conducting the merit review of discretionary financial assistance applications submitted pursuant to 10 CFR part 600.

EFFECTIVE DATE: June 5, 1991.

FOR FURTHER INFORMATION CONTACT: Michael J. Barainca (EM-50), Office of Technology Development, U.S. Department of Energy, Washington, DC, 20585, (301) 353-7940.

SUPPLEMENTARY INFORMATION: The DOE Financial Assistance Rules (10 CFR 600.16), require program offices to establish and publish an objective merit review system for discretionary financial assistance and to ensure its satisfactory functioning. This notice sets forth EM's Merit Review System as follows:

- I. Purpose and Scope
- II. Responsible Official
- III. Deviations
- IV. Evaluation Process

I. Purpose and Scope

A. This announcement sets forth the Department of Energy, Office of Environmental Restoration and Waste Management (EM) policies and procedures applicable to the merit review and evaluation of discretionary financial assistance applications for the following program areas:

Technology development for waste management and environmental restoration; environmental educational development; technology integration and transfer; applied research and development; demonstration, testing and

evaluation; waste minimization, treatment, and disposal; monitoring equipment, facilities and technologies; characterization; laboratory testing and measurement; remediation technology, including in-situ treatment; transportation and packaging of radioactive, mixed, and other hazardous materials/wastes; and related systems or activities to enhance the infrastructure supporting these areas.

This announcement defines the merit review process for EM review of financial assistance applications. The merit review augments the Federal review normally conducted by the DOE project managers. The merit review process requires additional reviews by merit review groups or field readers as described in the body of this announcement. This announcement fulfills the requirements set forth in DOE Financial Assistance Rules 10 CFR part 600.

B. Merit review procedures should be applied to unsolicited, as well as solicited, financial assistance applications.

C. Merit review is the process of evaluating applications for discretionary financial assistance using predetermined criteria. The review is thorough, consistent and independent and is completed by individuals with expert knowledge in the field in question. The purpose of the review is to provide analysis on the merits of applications to the Program Official having decisionmaking authority (the Selection Official) over the award of discretionary financial assistance.

II. Responsible Official

The EM Associate Director of the Office of Technology Development or his/her designee is responsible for this system of objective merit review of discretionary financial assistance applications funded by EM.

III. Deviations

Single-case deviations from the following procedures may be authorized in writing by EM's Responsible Official upon the written request by a member of the EM staff. Whenever a proposed deviation from this system of review would be a deviation from 10 CFR part 600, the deviation must also be authorized in accordance with the procedures prescribed in that part.

IV. Evaluation Process

A. Initial Screening Procedures

1. Applications will normally be submitted to the Department of Energy Office of Management Support (PR-33) Washington, DC 29585. Applications

will be assigned a control number by PR-33 and those pertaining to the Office of Environmental Restoration and Waste Management (EM) will be provided to EM. EM will assign and EM Project Officer, through the applicable Associate Director and Division Director, for initial screening to assure the following standards are met before conducting a detailed merit review and evaluation:

a. Appropriations to the EM Mission. Applications must be relevant to EM mission requirements.

b. Technical/Scientific Content and Merit. Those applications judged to be without sufficient detail for evaluation will be returned to the sender.

c. No Unnecessary Duplications or Overlap. Applications proposing to perform research already being supported by DOE or other Federal agencies generally will not be subjected to formal merit review unless there is a convincing programmatic reason to do so.

d. Completeness. Applications not meeting the requirements of 10 CFR part 600, subpart A may be returned to the sender for correction or modification.

Until the application meets the above standards, it will not be given detailed merit review.

2. The determination to return an application based on the above standards will be made in writing by the EM Project Officer and will be approved at least one level higher than that of the Project Officer.

3. Applications meeting the above standards will be subjected to formal merit review.

B. Selection Official

1. The Responsible Official, who has ultimate responsibility for selection, may delegate decision-making authority to a Deputy Associate Director, or another EM Associate Director, as appropriate.

2. A selection will be assigned (may be the Project Officer if he/she has decision authority and no conflict of interest). In the event that the Project Officer is also the selection official, this situation shall be approved by the Responsible Official or designee.

C. Qualifications of Reviewers and Selection Official

1. The review members may be a mixture of Federal or non-Federal experts. The review group, when possible, should consist of at least three qualified persons from outside the program office in addition to the designated Contracting Officer's Representative (COR), if the designated COR serves on the group. When

possible, the merit review group should exclude anyone who, on behalf of the Federal Government, performs any of the following functions:

a. Providing substantial technical assistance to the applicant.

b. Approving/disapproving or having any decision-making role regarding the application.

c. Serving as the project manager or otherwise monitoring, auditing, or evaluating the recipient's programmatic performance.

d. Exercising line authority over anyone ineligible to serve as reviewers because of the above limitations.

2. Reviewers will be chosen by Division Directors based on their expertise and professional qualifications as related to the proposed work.

3. Reviewers may be Federal employees, including those from EM that are neither the selection official nor those in a direct line of supervision above the Project Officer. Non-Federal employees may also be reviewers.

4. Reviewers will not include former employees of the Project Officer's immediate office or any former employee having line authority over that immediate office within the past 1 year.

5. The designated COR will not serve on the review group or be an external reader unless specifically approved by the Responsible Official.

6. Selection officials and reviewers must comply with the requirements of 10 CFR 1010.101(a) and 1010.302(a)(1) concerning conflict of interest. Individuals who cannot meet these requirements with regard to a particular application may not review, discuss, or make an evaluation of an application in which they have a conflict of interest; and may not participate in any meeting involving the review of an application in which there is a conflict of interest.

D. Project Officer/Contracting Officer Representative

1. The Project Officer will be a Federal employee, from Headquarters or the field, assigned to review the application. The Project Officer may also be designated as the Contracting Officer Representative (COR). This assignment will be made in writing by, or with the concurrence of, the employee's supervisor.

2. The Project Officer will be responsible for coordinating the Merit Review and providing guidance to external reviewers as described in this notice.

3. The Project Officer is responsible for conducting the initial screening. If the application does not satisfy the initial screening, the Project Officer will

provide the applicant a rejection letter (informing appropriate officials) or request additional information if required.

4. The Project Officer will be responsible for compiling the information from the Merit Review and preparing the Selection Report/Justification for Acceptance for the Selection Official. This report should address the evaluation criteria including the information from the initial screening, any programmatic comments reflecting a Federal policy perspective, and the rationale for selection or rejection.

5. For solicited applications, once the Selection Official approves the Selection Report, the Contracting Officer will inform the applicant. For other applications, once the Selection Official approves the Justification for Selection, the Project Officer is then responsible for preparing the rejection letter or Procurement Request documents. The Project Officer will also recommend assignment to a field office for award and implementation if the award is not made at Headquarters.

E. Formal Review Mechanism

There are two types of mechanisms available to accomplish a merit review. The type of review mechanism to be used is dependent on the circumstances concerning the application as discussed below. Regardless of the review mechanism chosen, at least three qualified individuals will perform the review. In those instances where three or more qualified reviewers cannot be obtained to conduct a formal merit review, the selection official must issue a waiver, which is based upon a written explanation of the situation by the assigned Project Officer. In the event that the Project Officer is a reviewer and is also the selection official, this waiver shall be considered and issued by an EM official one level higher than that of the Project Officer or selection official. The types of review mechanisms available and the situations they are used in are as follows:

1. *Review group.* a. An organization of standing committees called Technical Peer Review Groups (TPRGs) will be the principal method of application review. These review groups are appropriate when required by legislation, or when:

(1) Sufficient number of applications on a specific topic is received on a regular basis in accordance with a predetermined review schedule.

(2) Sufficient number of people is available to accept appointments, serve over reasonably protracted periods of time, and convene regularly or at the call of the chairperson.

(3) Legislative authority for particular programs extends for more than 1 year.

b. Persons outside the cognizant program office shall constitute at least one half the reviewers unless a deviation has been approved under 10 CFR 600.16(g).

c. Members of TPRGs will independently review applications and will individually present results of their reviews to the Project Officer. Reviewers will not meet to review and present a general recommendation. Reviewers may be called together by the Project Officer to receive material, review issues, or share information, but no attempt will be made to achieve a group consensus.

2. *Field readers.* a. Field readers may be used for applications that cannot be effectively reviewed by the TPRG. This may include applications which are outside the scope of TPRGs, when the workload of TPRGs requires augmentation, or when specific expertise is required.

b. Field readers will follow the guidance provided by the Project Officer for conducting their review. Field readers will independently review applications and will individually present results of their reviews to the Project Officer.

c. Field readers may be called together by the Project Officer to reassess material, review issues, or share information, but no attempt will be made to achieve a group consensus.

F. Review Process

1. The EM Project Officer will provide reviewers with a copy of the application, programmatic guidance, conflict of interest disclosures, certificates of confidentiality, and other information needed to conduct the review (such as site specific needs and schedules for technologies). The Project Officer may provide instructions to comparatively evaluate proposals if there are multiple proposals.

2. Reviewers should sign the certificate of confidentiality and conflict of interest disclosures and return them before initiating their review.

3. Based upon his/her review of the application and related documents, the reviewer is expected to provide the EM Project Officer with a written analysis based on the guidance and/or other program information for each application.

4. All reviews serve as input for the decision by the selection official and are not binding. Significant adverse evaluations will be addressed in writing in a selection statement document.

5. Upon request by applicants, a written summary will be provided to

them on the evaluation of their application.

G. Evaluation Criteria

Review criteria include, but are not limited to, the following list. These criteria, which are listed in descending order of importance, will be used by reviewers after the application has been through the initial screening. For unsolicited applications, this review may also address guidance the Project Officer provides from the initial screening.

1. Technical/Scientific objectives and content.

2. Benefits and merit of application, such as public purpose, time savings, extent of application, cost and risk reduction, etc.

3. Likelihood of technical success (reasonableness of proposed approach and probability of achieving stated objectives).

4. Quality, availability, and experience of organization (personnel, facilities, equipment).

5. The appropriateness and adequacy of the proposed budget.

H. Selection of an application for award will be based on the findings of the technical evaluations and how well the application serves the EM program objectives. Furthermore, selection of an application for award is subject to the availability of funds.

Paul D. Grimm,

Deputy Director.

[FR Doc. 91-10639 Filed 5-3-91; 8:45 am]

BILLING CODE 8450-01-M

Office of Fossil Energy

[FE Docket No. 90-11-NG]

Encogen Four Partners L.P.; Conditional Order Granting Long-Term Authorization to Import Canadian Natural Gas

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of a conditional order granting long term authorization to import Canadian natural gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued in order conditionally authorizing Encogen Four Partners L.P. (Encogen) to import up to 14,800 Mcf of Canadian natural gas per day for a period of 15 years commencing on or about November 1991. Encogen would buy the gas from Sceptre Resources Limited to fuel a 62 megawatt cogeneration facility which Encogen plans to build in Buffalo, New York.

Transportation from the international border would be provided by the proposed Empire State Pipeline (Empire).

The conditional order makes preliminary findings and indicates DOE's determination on all but the environmental matter to this proceeding. The approval is subject to DOE's review of an environmental assessment being prepared by the Federal Energy Regulatory Commission on the Empire facilities and completion of DOE's responsibilities under the National Environmental Policy Act. A final order will address all environmental aspects of the application.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, April 30, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 91-10640 Filed 5-3-91; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-19-NG]

Inland Gas & Oil Corp.; Application To Import and Export Natural Gas From and to Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for blanket authorization to import and export natural gas from and to Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on March 5, 1991, of an application filed by Inland Gas & Oil Corp. (IGOC), requesting blanket authorization to import up to 14 Bcf of natural gas from Canada and to export from the United States to Canada up to 36 Bcf of domestic natural gas over a two-year term beginning on the date the first import or export delivery occurs. IGOC intends to use existing facilities in the United States and states that it will notify DOE of the date of first delivery and submit quarterly reports detailing each import or export transaction.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.d.t., June 5, 1991.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Thomas Dukes, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9590.

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: IGOC is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Wilmington, Delaware. IGOC is a wholly owned subsidiary of B.C. Gas Inc. ("B.C. Gas"), a Canadian corporation located in Vancouver, British Columbia. IGOC functions as a natural gas marketer and intends to import and export gas on a short-term or spot basis for its own account or as agent for Canadian or U.S. purchasers and suppliers including B.C. Gas and its U.S. agent, Grand Valley Gas Company of Salt Lake City, Utah. IGOC states the terms of all transactions will be the product of arms length negotiations between the parties and therefore will be competitive.

The decision on the import portion of this blanket application will be made consistent with DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In deciding whether the proposed export of natural gas is in the public interest, domestic need for the gas will be considered, and any other issue determined to be appropriate. Parties that may oppose this application should comment in their responses on these issues. The applicant asserts the import would be competitive and there is no current need for the domestic gas that would be exported under the proposed arrangement. Parties opposing the arrangement bear the burden of overcoming these assertions.

IGOC requests that DOE grant expedited treatment but did not identify emergency or other considerations which would warrant a reduction in DOE's normal 30-day comment period. Therefore, no decision on IGOC's application will be made until all responses to this notice have been received and evaluated.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in

the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of IGOC's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, April 29, 1991.
Clifford P. Tomaszewski,
Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.
 [FR Doc. 91-10641 Filed 5-3-91; 8:45 am]
 BILLING CODE 6450-01-M

[Docket No. FE C&E 91-12; Certification Notice-80]

Filing Certification of Compliance: Coal Capability of New Electric Powerplant Pursuant to Provisions of the Powerplant and Industrial Fuel Use Act, as Amended

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (FUA section 201(a), 42

U.S.C. 8311(a), Supp. V. 1987). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the **Federal Register** a notice reciting that the certification has been filed. One owner and operator of proposed new electric base load powerplant has a filed self-certification in accordance with section 201(d).

Further information is provided in the **SUPPLEMENTARY INFORMATION** section below.

SUPPLEMENTARY INFORMATION: The following company has a filed self-certification:

Name	Date received	Type of facility	Megawatt capacity	Location
Oxbow Power Corporation, West Palm Beach, FL	04-23-91	Combine Cycle	55	North Tonawanda, NY.

Amendments to the FUA on May 21, 1987 (Pub. L. 100-42), altered the general prohibitions to include only new electric base load powerplants and to provide for the self-certification procedure.

Copies of this self-certification may be reviewed in the Office of Fuels Programs, Fossil Energy, room 3F-056, FE-52, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, or for further information call Myra Couch at (202) 586-6769.

Issued in Washington, DC on April 30, 1991.
Anthony J. Como,
Director, Office of Coal & Electricity, Office of Fuels Programs, Fossil Energy.
 [FR Doc. 91-10642 Filed 5-3-91; 8:45 am]
 BILLING CODE 6450-01-M

Cases Filed During the Week of March 22 Through March 29, 1991

Office of Hearings and Appeals

During the Week of March 22 through March 29, 1991, the appeals and applications for exception or other relief listed in the appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of

notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: April 30, 1991.

George B. Breznay,
Director, Office of Hearings and Appeals.

Date	Name and location of applicant	Case No.	Type of submission
Mar. 26, 1991	Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah.	RR272-71	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If Granted: The September 11, 1990 Decision and Order (Case No. RF272-58108) issued to Church of Jesus Christ of Latter-day Saints would be modified regarding the firm's application for refund submitted in the Crude Oil refund proceeding.
Mar. 26, 1991	Gulf/Reit Fuel Oil Co., Point Bay Fuel, Inc. & F.C. Haab Co., Washington, DC.	RR300-16 RR300-17 RR300-18	Request for Modification/Rescission in the Gulf Refund Proceeding. If Granted: The July 27, 1989 Decisions and Orders (Case Nos. RF300-8431, RF 300-8432, & RF300-10822) issued to Reit Fuel Oil Co., Point Bay Fuel Inc., & F.C. Haab Co. would be modified regarding the firm's application for refund submitted in the Gulf refund proceeding.

Date	Name and location of applicant	Case No.	Type of submission
Mar. 26, 1991	Diamond Shamrock R&M, Inc., Washington, DC	LEF-0030	Implementation of Special Refund Procedures. If Granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR part 205, Subpart V, in connection with Consent Order entered into with Diamond Shamrock R&M, Inc. Implementation of Special Refund Procedures. If Granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, part 205, subpart V, in connection with July 6, 1983 Consent Order entered into with Appalachian Flying Service, Inc.
Mar. 27, 1991	Appalachian Flying Service, Inc., Washington, DC	LEF-0029	

Date received	Name of refund proceeding/name of refund application	Case No.
3/25/91	Gleason Company	RF307-10179.
3/25/91	Federal Service Station	RF307-10180.
3/22/91	Portland General Electric	RF304-12196.
3/22/91	J & L Oil Company	RF304-12197.
3/22/91	J & L Oil Company	RF304-12198.
3/25/91	Texas Electric Service Company	RF326-246.
3/25/91	Koppr's Company	RF315-10135.
3/26/91	Pearl River Oil Company	RF326-247.
3/26/91	Smith's Grocery Service	RF304-12199.
3/22/91 thru 3/29/91	Crude Oil Refund Applications Received	RF272-87632 thru RF272-88673.
3/22/91 thru 3/29/91	Gulf Oil Refund Applications Received	RF300-16133 thru RF300-16196.
3/22/91 thru 3/29/91	Texaco Refund Applications Received	RF321-14647 thru RF321-14698.

[FR Doc. 91-10643 Filed 5-3-91; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders During the Week of March 4 through March 8, 1991

During the week of March 4 through March 8, 1991, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Keith D. Britt, 3/04/91, LFA-0096

Keith D. Britt filed an Appeal from a determination issued by the Albuquerque Operations Office (AOO), withholding his five-year Personnel Security Reinvestigative Report that he sought in a Privacy Act request. In considering the Appeal, the DOE found that the document at issue was the property of the Office of Personnel Management (OPM) rather than DOE. Therefore, the Appeal was granted, and

the matter was remanded to the AOO for consultation with OPM and a new determination.

Shea & Gardner, 3/05/91, LFA-0102

Shea & Gardner filed an appeal from determination issued by the DOE's Oak Ridge Operations Office (ORO) of a request for information under the Freedom of Information Act. Shea & Gardner had sought copies of agency records relating to the treatment of radioactive waste material by a process that involves mixing the material with concrete or other substances that cause the material to solidify. After a search for responsive documents, the Authorizing Official determined that six reports concerning waste material treatment were responsive to the request and released them to the firm. The Appeal alleged that the search conducted by the ORO was inadequate because the released reports referenced other DOE documents responsive to the firm's request, and because the ORO failed to include other types of documents in its determination. During its investigation of the adequacy of the ORO's initial search, the DOE discovered that a new search had already been instituted by the ORO at the request of the Appellant. Therefore, the DOE granted Shea & Gardner's Appeal, and remanded the matter to the ORO to complete its new search.

William Wisner, 3/07/91, LFA-0097

William Wisner filed an Appeal from a determination issued by the Freedom of Information and Privacy Acts Branch (FOI Branch) which found that Mr. Wisner's Freedom of Information Act (FOIA) request did not reasonably describe the records that Mr. Wisner was seeking. In considering the Appeal, the DOE found that in response to the first two of Mr. Wisner's substantially identical FOIA requests, the FOI Branch sent Mr. Wisner three documents it believed were responsive to his requests. In addition, the DOE found that the FOI Branch had contacted the office it believed would be most likely to have documents responsive to Mr. Wisner's requests and that several documents searches were conducted in response to the Wisner requests. In

response to the third FOIA request and after direct consultations with Mr. Wisner, no additional documents could be found to satisfy the request. Therefore, the Appeal was denied.

Refund Applications

APCON Corporation, et al., 03/06/91, RF272-14010 et al., RD272-14010 et al.

The DOE issued a Decision and Order concerning Applications for Refund filed on behalf of eight Applicants in the subpart V crude oil overcharge refund proceeding. All of the claimants purchased refined petroleum products in connection with road construction and asphalt pavement manufacturing. The DOE determined that the refund claims were meritorious and granted refunds of \$379,173. The DOE also denied objections filed by a consortium of States and 2 territories of the United States (the States), finding that the industry-wide data submitted by the States did not rebut the presumption that the Applicants were injured by the crude oil overcharges. The Motions for Discovery filed by the States were also denied.

Atlantic Richfield Company/Pfarr Super Service, 03/08/91, RR304-7

Fuel Refunds, Inc. (FRI), a refund application filing service, submitted a Motion for Modification of a Decision and Order issued to Pfarr Super Service (Pfarr) in the Atlantic Richfield Company refund proceeding. The Pfarr decision, in pertinent part, specified that the refund paid be sent directly to Pfarr, rather than through the applicant's representative, FRI. That determination was based upon a policy that barred another refund application service, P.A.D., Inc. (P.A.D.), from acting as an agent for refund claimants in any DOE refund proceeding. The Pfarr application was first submitted by P.A.D. and then resubmitted by FRI. In its Motion, FRI asked that it be allowed to receive future refund payments directly. The DOE dismissed the Motion with prejudice, stating that FRI failed to demonstrate the existence of significantly changed circumstances, that FRI had no standing to bring the

Motion, and that FRI had stated in its own promotional material that it was the same organization as P.A.D.

Broderick and Gibbons, Inc. Wells Cargo, Inc., 03/05/91, RF272-61526, RF272-61526, RF272-63966, RD272-63966

The Department of Energy (DOE) issued a Decision and Order granting crude oil overcharge refunds to two paving companies. The DOE rejected identical objections filed by a consortium of 30 State and two territories (the States), finding them insufficient to rebut the presumption of injury. Motions for Discovery filed by the States in regard to these Applications were also denied. *Broderick and Gibbons, Inc.* was granted a refund of \$23,999. *Wells Cargo, Inc.* was granted a refund of \$23,867.

City of Fort Worth, 03/08/91, RF272-49051

The Department of Energy (DOE) issued a Decision and Order granting a subpart V crude oil overcharge refund to the City of Fort Worth. The applicant is a city government that applied for a refund based solely on its purchases of refined petroleum products for end-use in its motor vehicle fleet. Phillip P. Kalodner, counsel for utilities, transporters and manufacturers filed conditional objections to this application. Mr. Kalodner argued that governmental entities are ineligible to receive subpart V crude oil refunds and that non-governmental claimants should have priority in receiving refunds. Moreover, Mr. Kalodner attempted to rebut Fort Worth's reliance on the end-user presumption. The DOE found Mr. Kalodner's objections to the applicant's eligibility unconvincing and granted Fort Worth a refund of \$22,455.

Ecolab, Inc., 03/07/91, RF272-47913, RD272-47913

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to *Ecolab, Inc.*, an end-user of refined petroleum products. A group of States and Territories filed Objections to the application, contending that the firm was not injured, because it was able to pass through to customers any overcharges it incurred. The DOE found the States' Objections to be without merit. The States' Motion for Discovery was denied. The DOE granted *Ecolab* a refund of \$38,731.

General Mills, Inc., 03/08/91, RF272-40849, RD272-40849

General Mills, Inc. (General Mills), a company involved in the manufacturing of foods, clothing and related products,

toys, and specialty chemicals, filed an Application for Refund in the subpart V crude oil overcharge refund proceeding being conducted by the Office of Hearings and Appeals of the DOE. A consortium of state governments and two U.S. territories (the States) objected to the Application on the basis of evidence concerning the food industry as a whole, and filed a Motion for Discovery. The DOE concluded that the industry-wide data submitted by the States was insufficient to rebut the end-user presumption of injury and that no convincing evidence had been produced to show that General Mills had been able to pass on any crude oil overcharges. In view of that determination, the States' Objections to the refund application were rejected and the related Motion for Discovery denied. The DOE granted General Mills a refund of \$82,652.

George A. Hormel & Company, 03/08/91, RF272-19873, RD272-19873

George A. Hormel & Company (Hormel), a food processor and end-user of refined petroleum products, filed an application for a crude oil overcharge refund. A consortium of States and two U.S. territories (the States) objected to the Application. The DOE concluded that the industry-wide data submitted by the States was insufficient to rebut the end-user presumption of injury. In view of that determination, the States' objections to the refund application were rejected and the related Motion for Discovery denied. The DOE concluded that Hormel should receive a refund of \$43,334.

Green Construction of Indiana Green Bay Packaging Inc., 03/04/91, RF272-63297, RD272-63297, RF272-63419, RD272-63419

The DOE issued a Decision and Order granting crude oil overcharge refunds to two companies, one in the coal mining and construction industry and the other in the packaging industry. The DOE rejected industry wide objections filed by a group of States regarding these Applications, finding them insufficient to rebut the end-user presumption of injury. Therefore, the Applications for Refund of these two firms were granted and Motions for Discovery filed by the States were denied. *Green Construction of Indiana* was granted a refund of \$19,388. *Green Bay Packaging Inc.* was granted a refund of \$21,026.

Hanover Coop Oil Company, 03/0791, RF272-72435

The DOE considered an Application for Refund submitted on behalf of *Hanover Coop Oil Company* in the subpart V crude oil overcharge refund

proceeding. The application stated that because Hanover had been dissolved, any refund received could not be passed through to the cooperative's members. The application proposed to donate any refund granted to the Hanover (Kansas) American Legion Post 306 for use in community projects. The OHA stated that while the cooperative's suggestion was commendable, this refund mechanism was not appropriate to assure that the refund granted to Hanover would provide restitution to its members. Accordingly, the refund claim was denied.

Interplastic Corp., 03/04/91, RF272-64290, RD272-64290

The DOE issued a Decision and Order denying an application for a crude oil overcharge refund filed by the *Interplastic Corp.* *Interplastic* did not demonstrate that the five refined petroleum products for which it requested the refund were covered by the EPAA. In light of this finding, the DOE dismissed a Motion for Discovery filed by a consortium of States in regard to *Interplastic's* Application.

Keyes Fibre Company, 03/07/91, RF272-47518, RD272-47518

The DOE issued a Decision and Order concerning an Application for Refund filed on behalf of *Keyes Fibre Company* in the subpart V crude oil overcharge refund proceeding. The DOE found that the industry-wide data submitted by a consortium of 28 States and 2 territories did not rebut the presumption that the applicant was injured by crude oil overcharges. The DOE denied a Motion for Discovery filed by the States. The DOE granted a refund of \$31,654 to *Keyes*.

Lowe's Companies Inc., 03/08/91, RF272-53368, RD272-53368

Lowe's Companies Inc., a retailer of building materials, appliances, and household hardware, filed an Application for Refund in the subpart V crude oil overcharge refund proceeding being conducted by the Office of Hearings and Appeals of the Department of Energy. A consortium of state governments and two U.S. territories (the States) objected to the Application on the basis of material found in *Lowe's Annual Report* and *Moody's Industrial Manual*, and filed a Motion for Discovery. The DOE concluded that the material submitted by the States was insufficient to rebut the end-user presumption of injury and that no convincing evidence had been produced to show that *Lowe's* had been able to pass on any crude oil overcharges. In view of that

determination, the States' Objections to the refund application were rejected and the related Motion for Discovery denied. The DOE concluded that Lowe's Companies Inc., should receive a refund of \$22,469.

Ogden Allied New York Services, Inc., et al., 03/07/91, RF272-77202

The Department of Energy issued a Decision and Order granting a refund from the crude oil overcharge funds to ten applicants. The DOE did not accept the gallonage estimation used by the applicants and required them to either exclude estimated gallons from their gallonage claim or substantiate those estimated gallons with verifiable estimates. Three of the 10 applicants chose to exclude estimated gallons from their gallonage claims, while the remaining 7 applicants supplied additional information that adequately substantiated the estimated gallons. The total refund granted to the applicants in this Decision is \$11,277.

Pilot Knob Pellet Company, National Steel Pellet Company, 03/04/91, RC272-116, RC272-117

The DOE issued a Supplemental Order which rescinded the crude oil overcharge refunds previously granted to Pilot Knob Pellet Company and to National Steel Pellet Company. Affiliates of these two companies had waived their right to a crude oil refund, by participating in the Surface Transporter Escrow and receiving a refund in the Stripper Well proceeding. The Supplemental Order a refund in the Stripper Well proceeding. The Supplemental Order therefore rescinded the \$11,115 refund granted to Pilot Knob Pellet Company and the \$12,801 refund granted to the National Steel Pellet Company.

Refined Sugars Incorporated, 03/06/91, RF272-10519

Refined Sugars Incorporated, a cane sugar producer, filed an application for a crude oil overcharge refund. A group of state governments and two territories of the United States (the States) objected to the application and provided evidence that the sugar industry as a whole passed through increased costs to customers. The DOE determined that the States had failed to produce any convincing evidence to show that Refined Sugars had been able to pass on the crude oil overcharges to its customers. The Decision granted the firm a \$15,764 refund.

Scrivner, Inc., 03/08/91, RF272-14537, RD272-14537

Scrivner, Inc. (Scrivner), a grocery wholesaler, filed an application for a

crude oil overcharge refund. A consortium of state governments and two U.S. territories (the States) objected to the Application on the basis of material that the food industry as a whole passes through increased costs to its customers. The DOE concluded that the industry-wide data submitted by the States was insufficient to rebut the end-user presumption of injury and that no convincing evidence had been produced to show that Scrivner had been able to pass on any crude oil overcharges. In view of that determination, the States' Objections to the refund application were rejected and a related Motion for Discovery denied. The DOE granted the firm a refund of \$27,049.

Washington State Ferries, 03/08/91, RF272-28260

The DOE issued a Decision and Order considering an application for a subpart V crude oil overcharge refund filed by Washington State Ferries (WSF). Philip P. Kalodner, counsel for a group of utilities, transporters, and manufacturers, filed objections to the Application of Refund, contending that governmental authorities are ineligible for such a refund. The DOE found the objections inapplicable because WSF, although a political subdivision of the State of Washington, was operated as an autonomous business. In addition, numerous previous decisions have stated that the Stripper Well Settlement Agreement, while designating the States as conduits for indirect restitution, in no way curtailed the States' right to direct restitution with respect to their own purchases of refined petroleum products. Therefore, the DOE determined that the Applicant was an end-user of the refined petroleum products which it purchased, and granted WSF a refund of \$70,212.

Woods Management Company, 03/07/91, RF272-10164, RD272-10164

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to Woods Management Company, an end-user of refined petroleum products. A group of States and Territories filed an Objection to the application, contending that the firm was not injured, because it was able to pass through to customers any overcharges it suffered due to regulations by the New York City Rent Guidelines Board, which allowed landlords to place surcharges on rent. The DOE rejected the objections, finding that the surcharges were a flat rate and did not permit an automatic passthrough of all crude oil overcharges. Accordingly, the DOE granted Woods a refund of \$6,789. The DOE denied a

related Motion for Discovery filed by the States.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Name	Case No.	Date
Alabama-Coushatta Indian Reservation et al.	RF272-5718	03/08/91
Beeler Cooperative Exchange et al.	RF272-77365	03/07/91
Crane Co.	RF272-64036	03/06/91
Exxon Corporation/St. Regis/Champion Inter-National Corp.	RF307-10172	03/05/91
Gulf Oil Corp./Crockett's Gulf et al.	RF300-10929	03/05/91
Gulf Oil Corp./Joe's Gulf.	RF300-15826	03/08/91
Gulf Oil Corp./Matt Dillon Gulf Station.	RF300-15752	03/04/91
Gulf Oil Corp./Owen's Gulf et al.	RF300-11900	03/08/91
Gulf Oil Corp./Phil's Gulf et al.	RF300-12000	03/07/91
Gulf Oil Corp./Richard F. Wilcoxon et al.	RF300-8983	03/08/91
Placid Oil Co./Stone Oil Company.	RF314-38	03/07/91
Shell Oil Company/Edwards-Etherton Oil Co., et al.	RF315-6066	03/08/91
Shell Oil Company/Herb's Shell et al.	RF315-826	03/06/91
Sims Wholesale, Inc. et al.	RF272-72447	03/08/91
Skamania County Road Dept., Aleutian Constructors.	RF272-24175 RF272-27619	03/06/91
Texaco Inc./Davis Texaco Service et al.	RF321-2222	03/08/91
Texaco Inc./Dean's Texaco in Seattle et al.	RF321-3734	03/05/91
Texaco Inc./George Rowe Texaco, George Rowe Texaco.	RF321-4963 RF321-13075	03/08/91
Texaco Inc./Hatcher Texaco et al.	RF321-4472	03/05/91
Texaco Inc./McCours Texaco et al.	RF321-6131	03/04/91
Texaco Inc./Pi-Jon, Inc. et al.	RF321-4710	03/04/91

Dismissals

The following submissions were dismissed:

Name	Case No.
Bd. of Education (City of BPT. CT)	RF272-85204
Bennoc, Inc.	RF272-64110
Blaine County, MT	RF272-85044
Burke County, ND	RF272-85524
Central Shell Service	RF315-1435
Chanute Public Schools—USD #413.	RF272-81896
Clear Creek ISD	RF272-84758
Dickens County, TX	RF272-85268
Dock Rabon Gulf	RF300-11003
Dom's Farwood Gulf	RF300-11391

Name	Case No.
Donald E. Foster.....	RF321-12205
Donald Ralston.....	RF315-10067
Effingham County, GA.....	RF272-85188
Elida Local School.....	RF272-82035
Elmer Holtz Trucking.....	RF272-70260
Etowah County, AL.....	RF272-85269
Franklin County, ID.....	RF272-85212
Franklin Shell I.....	RF315-1434
Gloucester School District.....	RF272-85320
Green Local School District.....	RF272-84358
Harold's Texaco.....	RF321-13000
Hopewell, VA.....	RF272-85294
Hudson's Gulf.....	RF300-11006
Jim Thomas Enterprises, Inc.....	RR139-72
JT #01 Minoqua School District.....	RF272-80723
Keansburg Board of Education.....	RF272-81817
Les Gibson Texaco.....	RF321-3968
Lucas County Asphalt, Inc.....	RF272-84482
Mellon Drilling Co.....	RF272-84972
Millis Shell.....	RF315-1428
Milton Hospital.....	RF272-85355
MSD North Posey County School.....	RF272-81205
Musgrove Texaco.....	RF321-396
Natchitoches Parish, LA.....	RF272-85108
Newton Square, PA.....	RF272-83769
Ophir Comm. Cons. School District 235.....	RF272-81147
Park City HS #5.....	RF272-80101
Pondera County, MT.....	RF272-85339
Richton School District.....	RF272-84593
School District of St. Joseph.....	RF272-80123
Simplex Wire & Cable Co.....	RF272-83104
South Brunswick, NJ.....	RF272-85490
Starmount Csdng Co.....	RF272-84643
Stillwater Public Schools.....	RF272-82230
Temple Public Schools.....	RF272-82562
Terek Service.....	RF321-13278
Tippah County Schools.....	RF272-81914
Town of Stratford.....	RF272-84685
Utility Bill Analysis.....	RF272-82379
Valley Five Texaco.....	RF321-10086
Walker County, GA.....	RF272-85308
West St. Texaco.....	RR321-39
Western Reserve Local School District.....	RF272-84508
Wheless Drilling Co.....	RD272-32264
Wheless Drilling Co.....	RF272-32264
Winona Trading Post.....	RF321-11349
Zeeland, MI.....	RF272-85399

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: April 30, 1991.

George B. Breznay,
Director, Office of Hearings and Appeals.
[FR Doc. 91-10644 Filed 5-3-91; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Decisions and Orders During the Week of March 11 through March 15, 1991

During the week of March 11 through March 15, 1991, the decisions and orders

summarized below were issued with respect to appeals and applications for other relief with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Canyon Consultants, 3/14/91, LFA-0101

Canyon Consultants filed an Appeal from a denial by the Office of Hearings and Appeals (OHA) of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In its Request, Canyon Consultants sought a list of customer names and addresses which Tesoro Petroleum Corporation (Tesoro) had submitted to OHA in connection with special refund proceedings. The DOE denied the Appeal, finding that the Tesoro list was exempt from mandatory disclosure pursuant to Exemptions 2 and 4 of the FOIA.

Valerie A. Benson, 3/14/91, LFA-0099

Valerie A. Benson filed a Freedom of Information Act (FOIA) Appeal of a partial denial of her information request by the Batavia Area Office (Batavia) of the Department of Energy (DOE). The DOE determined that: (1) The FOIA does not require agencies to answer questions; (2) the FOIA does not require agencies to release the originals of documents requested nor re-release materials previously provided to the requester; and (3) Benson is not entitled to government-provided counsel under the FOIA. Accordingly, Ms. Benson's Appeal was denied.

Motion for Modification and/or Rescission

New York, 3/14/91, LER-0006

The DOE issued a Decision and Order denying a Motion for Reconsideration filed by the State of New York which sought to reverse earlier determinations by the DOE Assistant Secretary for Conservation and Renewable Energy and the Office of Hearings and Appeals (OHA). The program for which New York had requested Stripped Well monies, the Oil Energy Conservation Program, was ineligible for funding because it promoted environmental concerns rather than energy efficiency. This program would provide matching grants to firms which would locate and plug abandoned oil wells in the State's old oil field area. In its Motion, the State argued that the program should be approved because its object was primarily energy conservation, not environmental restoration, and maintained that there was real potential

for significant oil recoveries. The DOE disagreed, stating that the program's major benefit would be environmental, and that any increase in New York's oil production resulting from the program was likely to be marginal. The DOE compared the program to a program approved in Texas, 18 DOE ¶ 82,501 (1988) (Texas), which involved research on oil producing reservoirs. Both the Texas program and the New York program would result in increased oil production, but only the Texas program involved energy research, a category of program permissible under the Stripper Well Litigation Settlement Agreement. Accordingly, as the New York program neither fell into a permissible category, nor would provide restitution to injured consumers of petroleum products, the State's Motion was denied.

Refund Applications

American National Can Company, 3/14/91, RF272-8743

The Department of Energy (DOE) issued a Decision and Order granting refund monies from crude oil overcharge funds to American National Can Company based on its purchases of refined petroleum products between August 19, 1973 and January 27, 1981. The applicant was an end-user of the refined petroleum products and based its claim on a presumption of injury for end-users. A group of 31 States and two Territories (the States) filed a Statement of Objections with respect to American's application. The DOE found that the States' filing was insufficient to rebut the presumption of injury. Therefore American's Application for Refund was granted. The refund granted to American was \$145,155.

Bambergers Inc., 3/12/91, RF272-19480

Bambergers Inc. (Bambergers), a retailer of automotive parts and gasoline, filed an Application for Refund in the subpart V crude oil special refund proceeding being conducted by the Office of Hearings and Appeals of the Department of Energy. A consortium of state governments and two U.S. territories (the States) objected to the application on the basis that Bambergers was a reseller. The DOE agreed with the States that 95 percent of the total gallonage submitted by Bambergers was ineligible for a refund. The DOE concluded, however, that the other portion of the gallonage claim was eligible for a refund because Bambergers used the petroleum products in its vehicles for delivery of auto parts to its branch stores, a business operation separate from its refined products resale

enterprise. As an end-user, Bambergers Inc. received a refund of \$1,004.
Dana Corporation, 3/13/91, RF272-375, RD272-375

The Department of Energy (DOE) issued a Decision and Order granting a refund from crude oil overcharge funds to Dana Corporation, a manufacturer of engine and chassis components, that used petroleum products in its business operations. A consortium of State and two Territories filed a "Statement of Objections" and "Motion for Discovery" with respect to the applicant's refund claim. The DOE found that the States' filings did not refer to whether the applicant was able to pass through crude oil overcharges, but only made generalized statements regarding whether increased fuel costs could be passed through. The DOE concluded that these arguments were insufficient to rebut the presumption of injury for end-users in this case. Therefore, the Application for Refund was granted and the Motion for Discovery was denied. The refund granted to Dana Corporation is \$17,476.

Exxon Corporation, Mel's Car Care Center, 3/13/91, RR307-12

The DOE issued a Decision and Order granting a Motion for Reconsideration concerning an application in the Exxon Corporation special refund proceeding. On December 3, 1990, the DOE denied an application submitted by Mel's Car Care Center (MCCC), a retailer, because it had failed to supply any evidence to support the estimated purchase figures in its claim. MCCC subsequently submitted invoices to substantiate its claim. Because MCCC presented substantial evidence to support its initial refund application, the DOE exercised its discretion to consider MCCC's Motion for Reconsideration. The DOE determined that MCCC was eligible for a refund and calculated MCCC's approved gallonage using an estimate of 34,000 gallons per month based on invoices submitted by the firm. MCCC was granted a refund of \$390 representing \$281 in principal and \$109 in interest.

Hebrew Rehabilitation Center for the Aged, 3/11/91, RF272-68311

The DOE issued a Decision and Order concerning an Application for Refund submitted by the Hebrew Rehabilitation Center for the Aged, based on its purchases of refined petroleum products during the period August 19, 1973, through January 27, 1981 pursuant to the provisions of 10 CFR Part 205, subpart V (subpart V). It was determined that as an end-user of these products, the applicant was entitled to its full

allocable share of available crude oil refund monies. However, the DOE pointed out that the applicant filed its refund claim after June 30, 1988, the first of several deadlines for submitting crude oil refund claims. While the applicant was granted a refund at the rate of \$.0009 per gallon, it will be decided in the future whether claimants, such as this applicant, that filed later applications will receive additional refunds. The refund granted to the applicant is \$3,260.

Metropolitan Edison Company, 3/13/91, RF272-23243, RD272-23243

The DOE issued a Decision and Order granting the subpart V crude oil refund application of Metropolitan Edison Company, based on its purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. The applicant, a privately-owned utility, demonstrated the volume of its claim by using contemporaneous records and reasonable estimates. The applicant was an end-user of the products it claimed and was therefore presumed by the DOE to have been injured. A group of state governments and territories of the United States (the States) objected to the application, contending that the utility was not itself injured because it was able to pass through to customers any overcharges it suffered. They also argued that it was inappropriate to grant refunds to utilities on the condition that the refunds be passed through to customers because state and federal governments, not utilities, were the appropriate conduits for restitution to consumers. The DOE found the States' arguments to be without merit. Accordingly, the DOE granted Metropolitan Edison Company a refund of \$113,492.

Peabody Coal Company, 3/14/91, RF272-23241, RD272-23241

The DOE issued a Decision and Order granting the subpart V crude oil refund application of Peabody Coal Company, based on its purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. The applicant, a coal mining company, demonstrated the volume of its claim by using contemporaneous records and reasonable estimates. The applicant was an end-user of the products it claimed and was therefore presumed by the DOE to have been injured. A group of state governments and territories of the United States (the States) objected to the application, contending that the firm was not injured because it was able to pass through to customers any overcharges it suffered due to the elasticities of supply and

demand that exist in any industry. The DOE found that the States failed to submit any direct evidence to indicate that the applicant passed on increased fuel costs to its customers. Accordingly, the DOE granted Peabody a refund of \$260,853. The DOE also denied the Motion for Discovery filed by the States in this case, for reasons discussed in earlier subpart V crude oil Decisions.

Plaza Materials Company, 3/12/91, RF272-44723, RD272-44723

Plaza Materials Company (Plaza), a company in the road construction industry, filed an Application for Refund in the subpart V crude oil refund proceeding. A group of state governments and two territories of the United States (the States) objected to the application, provided evidence concerning the construction industry as a whole and filed a Motion for Discovery. The DOE determined that the States had failed to produce any convincing evidence to show that Plaza had been able to pass on the crude oil overcharges to its customers, and found that the States' evidence failed to properly address the individual situation of the applicant. As in previous decisions, the DOE rejected the States' contention that industry-wide data constituted sufficient evidence to rebut the presumption that end-users such as Plaza were injured by crude oil overcharges. Plaza indicated that 15 percent of its contracts were affected by price escalator clauses and that 15 percent of its liquid asphalt purchases were covered by a price escalator clause. Plaza's liquid asphalt purchase volume claim was therefore reduced accordingly. The DOE granted Plaza Materials Company a refund of \$18,371 based on its approved purchases of 22,963,739 gallons of petroleum products. The DOE accordingly denied the Motion for Discovery filed by the States.

Shell Oil Company/Plattville Consumers CO-OP OIL CO., 3/14/91, RF315-1150

The DOE issued a Decision and Order concerning the refund application filed in the Shell Oil Company special refund proceeding on behalf of Plattville Consumers Co-op Oil Co. Plattville was found to be eligible for a refund based on its purchases of Shell petroleum products. The cooperative was granted a refund of \$4,679 after certifying that it would pass through the refund to its members.

Shell Oil Company/Poole's Michigan Avenue Shell Service, South and Primrose Service, 3/14/91, RF315-

8620, RF315-10083, RF315-8621,
RF315-10082

The DOE issued a Decision and Order concerning the refund applications filed in the Shell Oil Company special refund proceeding by James Poole and H. Robert Poole, who were partners in Poole's Michigan Avenue Shell Service until James bought out H. Robert in May 1979 and in South and Primrose Shell until it closed in 1976. James Poole was granted a \$793 refund (\$588 principal and \$205 interest) based on 50 percent of Poole's Michigan Avenue purchases during the period of partnership, on all of the station's purchases after May 1979, when he was sole proprietor, and on 50 percent of the South and Primrose purchases. H. Robert Poole was granted a \$472 refund (\$350 principal and \$122 interest) based on 50 percent of Poole's Michigan Avenue purchases during the period of partnership and on 50 percent of the South and Primrose purchases. The total of the refunds granted in this Decision is \$1,265.

State Escrow Distribution, 3/11/91,
RF302-10

The Office of Hearings and Appeals (OHA) ordered the DOE's Office of Controller to disburse to the State Governments \$91,000,000 in crude oil overcharge funds received in a March 1991 installment payment made pursuant to a consent order with Texaco Inc. These Texaco crude oil funds had been earmarked for distribution to the State in *Texaco Inc.*, 19 DOE ¶ 85,200 (1989). In addition, the OHA ordered the Controller to transfer \$89,364,000 of the Texaco funds to the escrow account maintained for distribution to the Federal Treasury and \$44,682,000 to the escrow account maintained for distribution to injured parties who file crude oil refund claims with the OHA. The use of the crude oil funds by the States is governed by the Stripper Well Settlement Agreement.

Texaco Inc./Claud Hodges Texaco, 3/
15/91, RF321-14446

The DOE issued a Decision and Order in the Texaco Inc. special refund proceeding concerning an Application for Refund filed by Claud Hodges Texaco (Hodges), a retailer of Texaco products. In *Texaco Inc./LaCumbre Texaco*, Case Nos. RF321-569 *et al.* (September 18, 1990), Hodges was granted a refund based on its claim that it operated the retail outlet from September 1973 to July 1978. Subsequently, the DOE received two other refund applications requesting a refund based on purchases at the same location during part of the same time period that Hodges claimed to have

operated the station. Accordingly, the DOE determined that the refund granted to Hodges should be modified unless it submits documentation to substantiate its claim within 30 days.

Texaco Inc./Pecan Shoppe of Cecil, Inc.
et al., 3/15/91, RF321-4120 *et al.*

The DOE issued a Decision and Order in the Texaco Inc. refund proceeding concerning six Applications for Refund filed by retail outlets that were direct purchasers of Texaco refined products. Each of the six applicants was owned by a separate corporation, and they all had the same treasurer. Three of the applicants were owned by Taylor Jordan or members of his family. The Jordan family also owned 25 percent of a fourth applicant. The remaining two applicants were owned by unrelated individuals. The DOE noted that firms having common ownership are generally considered together in determining the appropriate presumption level. The total allocable share of the four outlets in which the Jordan family had an interest exceeded the \$10,000 small claims threshold. However, the DOE found that it would be inequitable to limit the refund due the three unrelated owners of the fourth applicant merely because one owner also owned an interest in other outlets. Moreover, the total allocable share attributable to the Jordan family was below the \$10,000 threshold. Accordingly, the DOE granted each applicant a refund equal to its full allocable share.

The Asphalt Service Co., Inc., Lionmark,
Inc., Rein, Shultz & Dahl of Illinois,
Inc., 3/13/91, RF272-64890, RD272-
64890, R272-70853, RD272-70853,
RF272-71311, RD272-71311

The Asphalt Service Co., Inc. (Asphalt), Lionmark, Inc. (Lionmark), and Rein, Shultz & Dahl of Illinois, Inc. (Rein) are involved in the road construction business. They filed Applications for Refund as end-users of refined petroleum products in the subpart V crude oil refund proceeding. A group of state governments and two territories of the United States (the States) objected to the applications and provided evidence concerning the construction industry as a whole. The DOE determined that the States had failed to produce any convincing evidence to show that Asphalt, Lionmark, and Rein had been able to pass on the crude oil overcharges to their customers, and found that the States' evidence failed to properly address the individual situations of the applicants. As in previous decisions, the DOE rejected the States' contention that industry-wide data constituted sufficient

evidence to rebut the presumption that end-users were injured by crude oil overcharges. The total of the refunds granted in this Decision is \$80,561. The DOE also denied the three Motions for Discovery filed by the States for reasons discussed in previous Decisions.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Name	Case No.	Date
Atlantic Richfield Co./ Gloria's Arco.	RF304-12194 ...	03/11/91
Atlantic Richfield Co./ Kakaon Enterprises, Inc. <i>ET AL.</i>	RF304-3909.....	03/13/91
Cessna Aircraft Company, Butler Construction Co.	RF272-26603 ... RF272-27704 ...	03/14/91
Empire District Electric Co.	RF272-68.....	03/14/91
Exxon Corporation/ Putnam's Exxon, INC., Laurens Exxon, Beard Oil Company.	RF307-2513..... RF307-4448..... RF307-10153 ...	03/13/91
Gulf Oil Corp./National Heat & Power.	RF300-11387 ...	03/13/91
Magma Cooper Company, San Manuel Division.	RF272-70868 ...	03/13/91
Martin Carlin.....	RF272-49592	03/15/91
Shell Oil Company/ Hunter Shell Service <i>ET AL.</i>	RF315-1255.....	03/13/91
Texaco Inc./Bill Hughes Texaco <i>ET AL.</i>	RF321-827.....	03/15/91
Texaco Inc./Black Oil Company, Inc. <i>ET AL.</i>	RF321-4269.....	03/15/91
Texaco Inc./Eugene L. Harwood <i>ET AL.</i>	RF321-2334.....	03/13/91
Texaco Inc./Maynard O. Christenson <i>ET AL.</i>	RF321-2672.....	03/13/91
Texaco Inc./Penny's Texaco.	RF321-14448 ...	03/13/91
Texaco Inc./White Fuel Company <i>ET AL.</i>	RF321-3007.....	03/15/91
The Empire District Electric Company.	RF272-35.....	03/11/91

Dismissals

Name	Case No.
The following submissions were dismissed:	
Al Jones Texaco.....	RF321-4970
Al Jones Texaco.....	RF321-4971
Al Jones Texaco.....	RF321-13125
Al Jones Texaco.....	RF321-13124
Al Jones Texaco.....	RF321-4969
Al Jones Texaco.....	RF321-13123
Amoco Corp.....	RF324-0001
Arizona Bus Lines.....	RF272-70307
Belmont Texaco.....	RF321-9736
Chesapeake Union Ex Village SD.....	RF272-81060

Name	Case No.
Deerfield Public Schools.....	RF272-81763
Dwight Barton Texaco Wholesaler, Inc.....	RF321-7273
El Paso Natural Gas Company.....	RF272-33414
J&E Texaco.....	RF321-10620
John E. Jones Oil Co.....	RF321-1645
Leighow Oil Company.....	RF307-10173
Mike's Gulf Service.....	RF300-11389
Nola's Texaco.....	RF321-2131
Perry's Texaco.....	RF321-1184
South Crowley Gulf.....	RF300-11017
The Colony, TX.....	RF272-86202
Thomas Gulf.....	RF300-11015
Town of Greenwich—Board of Education.....	RF272-82533
Union City, GA.....	RF272-83064
Village Gulf.....	RF300-11041
Wellsville-Middleton R 1 Schools.....	RF272-79694
William Almond.....	RF321-12283
Woodlawn Texaco.....	RF321-3159

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: April 30, 1991.

George B. Breznay,

Office of Hearings and Appeals.

[FR Doc. 91-10645 Filed 5-3-91; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3954-1]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATE: Comments must be submitted on or before June 5, 1991.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA (202) 382-2740.

SUPPLEMENTARY INFORMATION: Office of Research and Development

Title: Laboratory Performance Evaluation Studies for Water Analyses (EPA No. 0234.04; OMB No. 2080-0021). This ICR requests an extension to an existing information collection.

Abstract. Pursuant to the Safe Drinking Water Act (Public Law 93-523) 40 CFR parts 141-142, and the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), the EPA's Environmental Monitoring Systems Laboratory (EMSL-CIN) must conduct performance evaluation (PE) studies on laboratories that routinely analyze several types of water samples. There are three types of PE studies that are conducted:

(1) Water Pollution (WP) Studies are done semiannually to provide information to EPA on laboratory producing critical data for regulatory purposes, and to support the wastewater certification programs administered by many States.

(2) Discharge Monitoring Report-Quality Assurance (DMR-QA) Studies are done annually to provide EPA with an objective estimate of the analytical capability of laboratory performing self-monitoring analyses, as required in major National Pollutant Discharge Elimination System (NPDES) permits.

(3) Water Supply (WS) Studies are done semiannually to support the drinking water laboratory certification program administered by the States.

In these studies, each laboratory receives from EMSL-CIN, samples with concentrations unknown to them, but known to EMSL-CIN. The laboratory analyzes the samples and reports their results to EMSL-CIN for evaluation. EMSL-CIN sends each laboratory a copy of their performance evaluation that includes the data they submitted to EMSL-CIN, the related study true values and PE limits, and an evaluation judgment for each reported value. The results of the PE Studies are maintained on an EPA computer data base.

The results will be used by EPA, State, and private laboratory personnel to identify and correct analytical deficiencies of laboratories, thereby improving the data quality of their monitoring operations. WP and WS study results can be decisive in the laboratory certification process administered by EPA and State programs. DMR-QA study results are used to target NPDES laboratories with apparent analytical problems for on-site inspection by EPA or State regulatory personnel.

Burden Statement: Public reporting burden for this collection of information is estimated to average 10.5 hours per

laboratory response in the Water Pollution (WP) Studies, 4.3 hours per permittee response in the chemistry portion of Discharge Monitoring Report-Quality Assurance (DMR-QA) Studies, 116.1 hours per laboratory response in the whole-effluent toxicity testing portion of DMR-QA Studies, and 4.5 hours per laboratory response in the Water Supply (WS) Studies. These estimates assume study instructions are followed and an average number of the most frequently analyses are conducted. These estimates include time for reviewing instructions, searching existing information sources, and completing and reviewing the collection of information.

Respondents: Businesses or other for-profit organizations, non-profit institutions, small businesses or organizations, State and local organizations.

Estimated Number of Respondents: 14,900.

Frequency of Collection: Semiannually for WP and WS Studies, annually for DMR-QA Studies.

Estimated Number of Responses per Respondent: 1.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to: Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223Y), 401 M Street, SW., Washington, DC 20460,

and

Tim Hunt, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC. 20530.

Dated: April 26, 1991.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 91-10614 Filed 5-3-91; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

April 30, 1991.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, Downtown Copy Center,

1114 21st Street, NW., Washington, DC 20036, (202) 452-1422. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0410.

Title: Forecast of Investment Usage Report and Actual Usage of Investment Report.

Form Number: FCC Form 495-A and 495-B.

Action: Reinstatement of a previously approved collection for which OMB approval has expired.

Respondents: Business or other for-profit.

Frequency of Response: Annually.

Estimated Annual Burden: 300 respondents; 40 hours average burden per response; 12,000 hours total annual burden.

Needs and Uses: FCC Forms 495-A and 495-B are needed to detect and correct forecast errors that could lead to significant misallocation of network plant between regulated and nonregulated activities. The forms implement the FCC's Joint Cost Order, CC Docket No. 86-111, which requires that certain telephone plant investments used for both regulated and nonregulated purposes be allocated on the basis of forecasted regulated and nonregulated use. The Forecast of Investment Usage Report (FCC Form 495-A) is used by carriers to submit the forecasts of investments used. The Actual Usage of Investment Report (FCC Form 495-B) is used to submit the actual investments used. These reports are part of the Automated Reporting and Management Information System (ARMIS). The required information provides the necessary detail to enable the Commission to fulfill its regulatory responsibility to ensure that the regulated operations of the carriers do not subsidize the nonregulated operations of those same carriers.

Federal Communications Commission.

Donna R. Search,

Secretary.

[FR Doc. 91-10658 Filed 5-3-91; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Part of Houston/International Cargo Network, LP Terminal Agreements et al; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the

following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200508 and 224-500509.

Title: Port of Houston/International Cargo Network, L.P. Terminal Agreements.

Parties: Port of Houston Authority (Port), International Cargo Network, L.P.

Synopsis: The Agreements, filed April 25, 1991, provide for the lease of certain Port land to be used for the operation of a refrigerated warehouse. The Agreements will terminate February 28, 1996.

Agreement No.: 224-010896-006.

Title: Maryland Port Administration/Moller Steamship Line, Inc. Marine Terminal Agreements.

Parties: Maryland Port Administration, Moller Steamship Line, Inc.

Synopsis: The Agreement provides for a sixty-day extension of the terms of the basic Agreement and Lease, beginning May 1, 1991.

Agreement No.: 224-200420-002.

Title: City of Los Angeles/Nippon Yusen Kaisha (NYK) Terminal Agreement.

Synopsis: The Agreement, filed April 25, 1991, amends: Section 7(a)(6) of the agreement to allow NYK to purchase certain chassis stacker equipment, which will result in a cost savings to City, and the City to reduce NYK's cost of improvements in certain facilities; and, section 10 to allow NYK to assign the agreement to its subsidiary, Yusen Terminals, Inc. (Yusen), provided NYK remains bound by all present obligations under the agreement and obligations that Yusen may assume in the future.

Agreement No.: 224-003813-013.

Title: Department of Transportation of the State of Hawaii/Matson Terminals, Inc. Terminal Lease Agreement.

Parties: Department of Transportation of the State of Hawaii/Matson Terminals, Inc. (Matson).

Synopsis: The Agreement, filed April 26, 1991, restates the parties' basic lease and provides for Matson's substitution of new cranes having value and utility equal to the old cranes being replaced.

Agreement No.: 224-200307-003.

Title: Port of Portland/James River II Inc. dba Western Transportation Terminal Agreement.

Parties: Port of Portland (Port), James River II, Inc. dba Western Transportation.

Filing Party: Ms. Elaine Lycan, Manager, Pricing and Regulatory Affairs, Port of Portland, P.O. Box 3529, Portland, OR 97208.

Synopsis: The Agreement, filed April 29, 1991, amends the parties' basic agreement to provide for: (1) the Port to repossess House 103; new rental rates, effective July 1, 1991; and, restatement of and fixing of the Maintenance/Operating charge and decrease in such charge if House 103 is repossessed by the Port.

By Order of the Federal Maritime Commission.

Dated: May 1, 1991.

Joseph C. Polking,

Secretary.

[FR Doc. 91-10597 Filed 5-3-91; 8:45 am]

BILLING CODE 6730-01-M

New York Shipping Association, Inc., et al; Filing and Effective Date of Agreement

The Federal Maritime Commission hereby gives notice, that on April 29, 1991, the following agreement was filed with the Commission pursuant to section 5, Shipping Act of 1984, and was deemed effective that date, to the extent it constitutes an assessment agreement as described in paragraph (d) of section 5, Shipping Act of 1984.

Agreement No.: 224-200063-009.

Title: NYSA-ILA Tonnage Assessment Agreement.

Parties:

New York Shipping Association, Inc., International Longshoremen's Association, AFL-CIO.

Synopsis: The agreement, filed April 29, 1991, amends the parties' basic agreement to provide for a reduction in the tonnage assessment paid by ocean carriers in the Port of New York and New Jersey, effective May 1, 1991.

By Order of the Federal Maritime Commission.

Dated: May 1, 1991.

Joseph C. Polking,
Secretary.

[FR Doc. 91-10596 Filed 5-3-91; 8:45 am]

BILLING CODE 6730-01-M

Puerto Rico Maritime Shipping Authority Sea-Land Service, Inc. Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-007540-053.

Title: United States Atlantic and Gulf/
Southeastern Caribbean Conference.

Parties:

Puerto Rico Maritime Shipping
Authority Sea-Land Service, Inc.

Synopsis: The proposed amendment would modify Article 8(i)(3) (Voting Procedures) to provide that a member who charters space from another member in a particular Section of the trade will have met the sailing requirements necessary to maintain its voting rights in that section.

Agreement No.: 217-010051-019.

Title: Mediterranean Space Charter
Agreement.

Parties:

Compania Trasatlantica Espanola,
Compagnie Generale Maritime,
Contship Container Lines, Ltd.,
Farrell Lines, Inc.,
Italia di Navigazione, S.P.A.,
Jugolinija,
Lykes Bros. Steamship Co., Inc.,
A.P. Moller-Maersk Line,
Nedlloyd Lijnen B.V.,
Sea-Land Service, Inc.,
P&O Containers Ltd.,
Zim Israel Navigation Co., Inc.

Synopsis: The proposed amendment would delete Contship Container Lines, Ltd. as a party to the Agreement.

Agreement No.: 217-011328.

Title: Toko Line/Shinwa Space Charter
and Cooperative Working Agreement.

Parties:

Toko Kaiun Kaisha Ltd.,
Shinwa Kaiun Kaisha Ltd.

Synopsis: The proposed Agreement would permit the parties to charter space on each other's vessels in the trade from ports in Japan to ports in the United States, including shipments from, to, or between inland or coastal points. The parties may also discuss rates and conditions in the trade and reach non-binding agreement with respect to matters of mutual interest and concern.

By order of the Federal Maritime
Commission.

Dated: April 30, 1991.

Joseph C. Polking,
Secretary.

[FR Doc. 91-10556 Filed 5-3-91; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarder and Passenger Vessel Operations, Federal Maritime Commission, Washington, DC 20573.

I.E.S.C. Forwarding, Inc., a Florida Corp., 2250
NW. 96th Ave., Bay #2, Miami, FL 33172.
Officers: Hugo R. Castro, Vice President/
Director/Stockholder, Jose L. Paret, Vice
President/Director/Stockholder.

Automated Freight Systems, Inc., 5630 S.
Memorial Drive, Tulsa, Oklahoma 74145.
Officers: Brian J. Barker, President, B.J.
Cloud, Vice President, Lisa Barker,
Treasurer.

Consolidated Transportation Services, Inc.,
Wespac Bldg., Puerto Rico, Saipan, CNMI,
MP 96950. Officers: Samuel H.T. Chou,
Director/Stockholder, Rosalina Tan,
Director/Stockholder, Wellington Ang,
Director/Stockholder, Benigno R. Ong, Vice
President/Director, Richard D. Ong, Vice
President/Director.

T.M.L.-TAR-MAC International & Co., P.O.
Box 2100, #10 Northfork Farms Rd., New
Caney, TX 77357. Officer: John J.
Tarnowski, Sole Proprietor.

Advantage Forwarding Inc., 9360 SW. 16th
Street, Miami, FL 33165. Officers: Antonio
M. Menendez, President/Treasurer/
Director, Lillian Hernandez, Secretary/
Director.

Kellie International Shipping Inc., 8989
Westheimer, suite 101, Houston, TX 77063.
Officer: Naman Abuawad, President.

BMA International Traders and Forwarders,
Inc., 250 S. Maple Ave., #B, So. San

Francisco, CA 94080. Officers: Benjamin
Arcayena, Sr., President, Dimas Mariano
Serrano, Jr., Vice President/Director,
Carmelita S. Arcayena, Chief Financial
Officer, Ann Arcayena, Secretary/Director,
Benjamin Arcayena, Jr., Director.

Leo Shipping Inc., 15549 Dupage, Taylor, MI
48180. Officers: M. Abdul Qayyum Khan,
President.

Sextant Overseas Shipping Corporation, 36
Birch Drive, Middletown, NY 10940.
Officers: Robert Urbano, President.

Dependable International Services &
Transport, Inc., 2420 Athania Pkwy., suite
200-201, Metairie, LA 70001. Officers: Jo
Fredotovich-Baudoin, President, Bruce
Baudoin, Secretary/Treasurer, Cheryl
Sciambra, Director, Mary Johnson,
Director.

Total Air & Ocean Services, Inc., 5086 NW.
74th Avenue, Miami, FL 33166. Officers:
Lillian Hayden, President, Henry K. Verges,
Vice President, Lisa Russo, Secretary/
Treasurer.

Pexcon Inc., 2214 Torrance Blvd., #102,
Torrance, CA 90501. Officers: Dong H. Lee,
President, Moon C. Chon, Director.

Alliance Shipping Ltd., 2430 Herodian Way,
suite 100, Smyrna, GA 30080. Officers: Gary
S. Waller, President, David A. Tighe, Vice
President, Terry J. Purton, Vice President.

Transpo Service, Ltd., 4411 E. 119th St., P.O.
Box 152, Grandview, Missouri 64030.
Officers: Vivian A. Ward, President/
Secretary/Director, Jessie Cartwright,
Chairman, Jack Spencer, Secretary/
Treasurer/Vice President.

Fischer International Forwarders, Inc., 999 E.
Touhy Ave., #280, Des Plaines, IL 60018.
Officers: Frank W. Fischer, President/
Director, Hope A. Barrios, Vice President of
Export-Ocean.

Eximaco, Inc., 6283 Hunters Pointe, Westland,
Michigan 48185. Officers: Carlos B.
Gonzalez, President, Bonnie Helvey, Export
Clerk, Chris Andrews, CPA Accountant,
Joel H. Schavrien, Corporate Attorney.

Transoceanic Shipping Co., Inc., 2151 NW.
79th Ave., Miami, FL 33122. Officers: Basil
J. Rusovich, Jr., Chairman/Director, Arval
D. Headrick, President/Director, Gregory R.
Rusovich, Vice President/Director, Richard
W. Castaing, Secretary/Treasurer/Director,
Jose R. Cosio, Asst. Vice President, Marilyn
Louise Schuster, Director.

Wisconsin Export Service, Inc., 316 N.
Milwaukee Street, Milwaukee, Wisconsin
53202. Officers: Kenneth D. Miller,
President, Mark Alan, Vice President, R.
Lee Vest, Vice President, Harish Patel,
Stockholder.

By the Federal Maritime Commission.

Dated: April 30, 1991.

Joseph C. Polking,

Secretary.

[FR Doc. 91-10557 Filed 5-3-91; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Current List of Laboratories Which Meet Minimum Standards to Engage in Urine Drug Testing for Federal Agencies

AGENCY: National Institute on Drug Abuse, ADAMHA, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services notifies Federal agencies of the laboratories currently certified to meet standards of subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 FR 11979, 11986). A similar notice listing all currently certified laboratories will be published during the first week of each month, and updated to include laboratories which subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or revoked, the laboratory will be omitted from updated lists until such time as it is restored to full certification under the Guidelines.

FOR FURTHER INFORMATION CONTACT: Denise L. Goss, Program Assistant, Drug Testing Section, Division of Applied Research, National Institute on Drug Abuse, room 9-A-53, 5600 Fishers Lane, Rockville, Maryland 20857; tel.: (301)443-6014.

SUPPLEMENTARY INFORMATION: Mandatory Guidelines for Federal Workplace Drug Testing were developed in accordance with Executive Order 12564 and section 503 of Public Law 100-71. Subpart C of the Guidelines, "Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies," sets strict standards which laboratories must meet in order to conduct urine drug testing for Federal agencies. To become certified an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification a laboratory must participate in an every-other-month performance testing program plus periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of NIDA certification are not to be considered as meeting the minimum requirements expressed in the NIDA Guidelines. A laboratory must have its letter of certification from HHS/NIDA which attests that it has met minimum standards.

In accordance with Subpart C of the Guidelines, the following laboratories

meet the minimum standards set forth in the Guidelines:

Alpha Medical Laboratory, Inc., 5405 Alderson Street, Schofield, WI 54476, 800-627-8200

American BioTest Laboratories, Inc., Building 15, 3350 Scott Boulevard, Santa Clara, CA 95054, 408-727-5525

American Medical Laboratories, Inc., 11091 Main Street, P.O. Box 188, Fairfax, VA 22030, 703-691-9100

Associated Pathologists Laboratories, Inc., 4230 South Burnham Avenue, Suite 250, Las Vegas, NV 89119-5412, 702-733-7866

Associated Regional and University Pathologists, Inc. (ARUP), 500 Chipeta Way, Salt Lake City, UT 84108, 801-583-2787

Bayshore Clinical Laboratory, 4555 W. Schroeder Drive, Brown Deer, WI 53223, 414-355-4444/800-877-7016

Bellin Hospital-Toxicology Laboratory, 2789 Allied Street, Green Bay, WI 54304, 414-496-2487

Bio-Analytical Technologies, 2356 North Lincoln Avenue, Chicago, IL 60614, 312-880-6900

The certification of this laboratory (Bio-Analytical Technologies, Chicago, IL) is suspended from conducting confirmatory testing of amphetamines. The laboratory continues to meet all requirements for HHS/NIDA certification for testing urine specimens for marijuana, cocaine, opiates and phencyclidine. For more information, see 55 FR 2183 (Jan. 22, 1991).

Cedars Medical Center, Department of Pathology, 1400 Northwest 12th Avenue, Miami, FL 33136, 305-325-5810

Center for Human Toxicology, 417 Wakara Way-room 290, University Research Park, Salt Lake City, UT 84108, 801-581-5117

Columbia Biomedical Laboratory, Inc., 4700 Forest Drive, suite 200, Columbia, SC 29206, 800-848-4245/803-782-2700

Clinical Pathology Facility, Inc., 711 Bingham Street, Pittsburgh, PA 15203, 412-488-7500

Clinical Reference Lab, 11850 West 85th Street, Lenexa, KS 66214, 800-445-6917

CompuChem Laboratories, Inc., 3308 Chapel Hill/Nelson Hwy., P.O. Box 12652, Research Triangle Park, NC 27709, 919-549-8263

Damon Clinical Laboratories, 140 East Ryan Road, Oak Creek, WI 53154, 800-365-3840 (name changed: formerly Chem-Bio Corporation; CBC Clinilab)

Damon Clinical Laboratories, 8300 Esters Blvd., suite 900, Irving, TX 75063, 214-929-0535

Doctors & Physicians Laboratory, 801 East Dixie Avenue, Leesburg, FL 32748, 904-787-9006

Drug Labs of Texas, 15201 I 10 East, suite 125, Channelview, TX 77530, 713-457-3784

DrugScan, Inc., P.O. Box 2969, 1119 Mearns Road, Warminster, PA 18974, 215-674-9310

Eastern Laboratories, Ltd., 95 Seaview Boulevard, Port Washington, NY 11050, 516-625-9800

ElSohly Laboratories, Inc., 1215-1/2 Jackson Ave., Oxford, MS 38655, 601-236-2609

Environmental Health Research & Testing, Inc., 1075 South 13th St., Birmingham, AL 35205-9998, 205-934-0985

General Medical Laboratories, 36 South Brooks Street, Madison, WI 53715, 608-267-6267

Harris Medical Laboratory, P.O. Box 2981, 1401 Pennsylvania Avenue, Fort Worth, TX 76104, 817-878-5600

HealthCare/Preferred Laboratories, 24451 Telegraph Road, Southfield, MI 48034, 800-225-9414 (outside MI)/800-328-4142 (MI only)

Laboratory of Pathology of Seattle, Inc., 1229 Madison St., Suite 500, Nordstrom Medical Tower, Seattle, WA 98104, 206-386-2672

Laboratory Specialists, Inc., P.O. Box 4350, Woodland Hills, CA 91365, 818-718-0115/800-331-8670 (outside CA)/800-464-7081 (CA only) (name changed: formerly Abused Drug Laboratories)

Laboratory Specialists, Inc., 113 Jarrell Drive, Belle Chasse, LA 70037, 504-392-7961

Massey Analytical Laboratories, Inc., 2214 Main Street, Bridgeport, CT 06606, 203-334-6187

Mayo Medical Laboratories, 200 S.W. First Street, Rochester, MN 55905, 800-533-1710/507-284-3631

Med Arts Lab, 5419 South Western, Oklahoma City, OK 73109, 800-251-0089

Med-Chek Laboratories, Inc., 4900 Perry Highway, Pittsburgh, PA 15229, 412-931-7200

MedExpress/National Laboratory Center, 4022 Willow Lake Boulevard, Memphis, TN 38175, 901-795-1515

MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 612-636-7466

Mental Health Complex Laboratories, 9455 Watertown Plank Road, Milwaukee, WI 53226, 414-257-7439

Methodist Medical Center, 221 N.E. Glen Oak Avenue, Peoria, IL 61636, 309-672-4928

MetPath, Inc., 1355 Mittel Boulevard, Wood Dale, IL 60191, 708-595-3888

MetPath, Inc., One Malcolm Avenue,
Teterboro, NJ 07608, 201-393-5000

MetWest-BPL Toxicology Laboratory,
18700 Oxnard Street, Tarzana, CA
91356, 800-492-0800/818-343-8191

National Center for Forensic Science,
1901 Sulphur Spring Road, Baltimore,
MD 21227, 301-247-9100 (name
changed: formerly Maryland Medical
Laboratory, Inc.)

National Health Laboratories
Incorporated, 13900 Park Center Road,
Herndon, VA 22071, 703-742-3100/
800-572-3734 (inside VA)/800-336-
0391 (outside VA)

National Health Laboratories
Incorporated, 2540 Empire Drive,
Winston-Salem, NC 27103-6710, 919-
760-4620/800-334-8627 (outside NC)/
800-642-0694 (NC only)

National Psychopharmacology
Laboratory, Inc., 9320 Park W.
Boulevard, Knoxville, TN 37923, 800-
251-9492

National Toxicology Laboratories, Inc.,
1100 California Avenue, Bakersfield,
CA 93304, 805-322-4250

Nichols Institute Substance Abuse
Testing (NISAT), 8985 Balboa Avenue,
San Diego, CA 92123, 800-446-4728/
619-694-5050 (name changed: formerly
Nichols Institute)

Northwest Toxicology, Inc., 1141 E. 3900
South, Salt Lake City, UT 84124, 800-
322-3361

Oregon Medical Laboratories, P.O. Box
972, 722 East 11th Avenue, Eugene, OR
97440-0972, 503-687-2134

Parke DeWitt Laboratories, Division of
Comprehensive Medical Systems, Inc.,
1810 Frontage Rd., Northbrook, IL
60062, 708-480-4680

Pathlab, Inc., 16 Concord, El Paso, TX
79906, 800-999-7284

Pathology Associates Medical
Laboratories, East 11604 Indiana,
Spokane, WA 99206, 509-926-2400

PDLA, Inc., 100 Corporate Court, So.
Plainfield, NJ 07080, 201-769-8500

PharmChem Laboratories, Inc., 1505-A
O'Brien Drive, Menlo Park, CA 94025,
415-328-6200/800-446-5177

Poisonlab, Inc., 7272 Clairemont Mesa
Road, San Diego, CA 92111, 619-279-
2600

Precision Analytical Laboratories, Inc.,
13300 Blanco Road, suite #150, San
Antonio, TX 78216, 512-493-3211

Regional Toxicology Services, 15305
N.E. 40th Street, Redmond, WA 98052,
206-882-3400

Roche Biomedical Laboratories, 1801
First Avenue South, Birmingham, AL
35233, 205-581-3537

Roche Biomedical Laboratories, 6370
Wilcox Road, Dublin, OH 43017, 614-
889-1081

The certification of this laboratory
(Roche Biomedical Laboratories, Dublin,

OH) is suspended from conducting
confirmatory testing of amphetamines.
The laboratory continues to meet all
requirements for HHS/NIDA
certification for testing urine specimens
for marijuana, cocaine, opiates and
phencyclidine. For more information,
see 55 FR 50589 (Dec. 7, 1990).

Roche Biomedical Laboratories, Inc.,
1912 Alexander Drive, P.O. Box 13973,
Research Triangle Park, NC 27709,
919-361-7770

Roche Biomedical Laboratories, Inc., 101
Inverness Drive East, Englewood, CO
80112, 303-792-2822

Roche Biomedical Laboratories, Inc., 1
Roche Drive, Raritan, NJ 08869, 800-
631-5250

Roche Biomedical Laboratories, Inc.,
1120 Stateline Road, Southaven, MS
38671, 601-342-1286

S.E.D. Medical Laboratories, 500 Walter
NE suite 500, Albuquerque, NM 87102,
505-848-8800

SmithKline Beecham Clinical
Laboratories, 506 E. State Parkway,
Schaumburg, IL 60173, 708-885-2010
(name changed: formerly International
Toxicology Laboratories)

SmithKline Beecham Clinical
Laboratories, 400 Egypt Road,
Norristown, PA 19403, 800-523-5447
(name changed: formerly SmithKline
Bio-Science Laboratories)

SmithKline Beecham Clinical
Laboratories, 3175 Presidential Drive,
Atlanta, GA 30340, 404-934-9205
(name changed: formerly SmithKline
Bio-Science Laboratories)

SmithKline Beecham Clinical
Laboratories, 8000 Sovereign Row,
Dallas, TX 75247, 214-838-1301 (name
changed: formerly SmithKline Bio-
Science Laboratories)

SmithKline Beecham Clinical
Laboratories, 7600 Tyrone Avenue,
Van Nuys, CA 91045, 818-376-2520

South Bend Medical Foundation, Inc.,
530 North Lafayette Boulevard, South
Bend, IN 46601, 219-234-4176

Southgate Medical Laboratory, Inc.,
21100 Southgate Park Boulevard,
Cleveland, OH 44137, 800-338-0166

St. Anthony Hospital (Toxicology
Laboratory), P.O. Box 205, 1000 North
Lee Street, Oklahoma City, OK 73102,
405-272-7052

St. Louis University Forensic Toxicology
Laboratory, 3610 Rutgers Avenue, St.
Louis, MO 63104, 314-577-8628

Toxicology & Drug Monitoring
Laboratory, University of Missouri
Hospital & Clinics, 301 Business Loop
70 West, suite 208, Columbia, MO
65203, 314-882-1273

Toxicology Testing Service, Inc., 5426
NW. 79th Avenue, Miami, FL 33168,
305-593-2260

Charles R. Schuster,
Director, National Institute on Drug Abuse.
[FR Doc. 91-10707 Filed 5-3-91; 8:45 am]
BILLING CODE 4160-20-M

Centers for Disease Control

National Committee on Vital and Health Statistics; Meeting

Pursuant to Public Law 92-463, the
National Center for Health Statistics
(NCHS), Centers for Disease Control,
announces the following committee
meeting:

Name: National Committee on Vital and
Health Statistics (NCVHS).

Time and Date: 1 p.m.-5 p.m., June 5, 1991,
9 a.m.-5 p.m., June 5, 1991, 9 a.m.-1 p.m., June
7, 1991.

Place: Room 503A-529A, Hubert H.
Humphrey Building, 200 Independence
Avenue, SW., Washington, DC 20201.

Status: Open.

Purpose: The purpose of this meeting is for
the committee to consider reports from each
NCVHS subcommittee; to receive reports
from NCHS, the Health Care Financing
Administration, and the Agency for Health
Care Policy and Research; and to address
new business as appropriate.

Contact Person for More Information:
Substantive program information as well as
summaries of the meeting and a roster of
committee members may be obtained from
Gail F. Fisher, Ph.D., Executive Secretary,
NCVHS, NCHS, room 1100, Presidential
Building, 6525 Belcrest Road, Hyattsville,
Maryland 20782, telephone 301/436-7050 or
FTS 436-7050.

Dated: April 30, 1991.

Elvin Hilyer,

Associate Director for Policy Coordination
Centers for Disease Control.

[FR Doc. 91-10561 Filed 5-3-91; 8:45 am]

BILLING CODE 4160-18-M

National Committee on Vital and Health Statistics (NCVHS) Subcommittee on Health Statistics for Minority and Other Special Populations; Meeting

Pursuant to Public Law 92-463, the
National Center for Health Statistics
(NCHS), Centers for Disease Control,
announces the following committee
meeting.

Name: NCVHS Subcommittee on Health
Statistics for Minority and Other Special
Populations.

Time and Date: 9:30 a.m.-4 p.m., June 4,
1991.

Place: Room 339A, Hubert H. Humphrey
Building, 20 Independence Avenue, SW.,
Washington, DC 20201.

Status: Open.

Purpose: To pursue with the Health Care Financing Administration and the Social Security Administration feasible methods to include racial and ethnic identifiers in the Medicare data files.

Contact Person for More Information: Substantive program information as well as summaries of the meeting and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, NCHS, room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436-7050 or FTS 436-7050.

Dated: April 30, 1991.

Elvin Hilyer,

Associate Director for Policy Coordination
Centers for Disease Control.

[FR Doc. 91-10582 Filed 5-3-91; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

Formalin for Use in the Treatment of Penaeid Shrimp Diseases; Data; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of safety, effectiveness, and environmental data to be used in support of a new animal drug application (NADA) for use of formalin to treat penaeid shrimp diseases. The data, contained in Public Master File (PMF) 3543, were compiled under the U.S. Department of the Interior and the U.S. Department of Agriculture Interregional Research Project No. 4 (IR-4), a national agricultural programs for obtaining clearances for use of agricultural products for minor or special uses.

ADDRESSES: Submit NADA's for use of formalin to treat penaeid shrimp diseases to the Document Control Section (HFV-199), Center for Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Larry D. Rollins, Center for Veterinary Medicine (HFV-133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: The use of formalin to treat diseases of penaeid shrimp in confinement is a new animal drug use under section 201(w) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(w)). As a new animal drug, it is subject to section 512 of the act (21 U.S.C. 360b) requiring that

its uses be the subject of an approved NADA.

The University of Arizona, Tucson, AZ 85721, has provided data and information to demonstrate effectiveness, safety to the target animal, and tissue residue depletion for use of 50 to 100 parts per million (ppm) formalin for up to 4 hours or 25 ppm continuously for control of external protozoan parasites (*Bodo* spp., *Epistylis* spp., and *Zoothamnium* spp.) on penaeid shrimp. The University of California IR-4 Project, Western Region, Davis, CA 95618, provided an environmental assessment of possible impacts at the site of use of the animal drug product. The data and information are contained in PMF 3543.

Sponsors of NADA's or supplemental NADA's may reference the PMF without further authorization to support an application's approval. An NADA or supplemental NADA should include, in addition to references to the PMF, drug labeling, and other information needed for approval, such as human food safety data, information and data concerning manufacturing methods, facilities, and controls, and information addressing the potential environmental impacts of the manufacturing process. Persons desiring more information concerning the PMF or requirements for approval of an NADA may contact Larry D. Rollins (address above).

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information in PMF 3543, submitted to support approval of an NADA, may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Dated: April 29, 1991.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 91-10587 Filed 5-3-91; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91E-0124]

Determination of Regulatory Review Period for Purposes of Patent Extension; Ganite™

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Ganite™ and is publishing this notice of

that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nancy E. Pirt, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Ganite. Ganite (gallium nitrate injection) is indicated for the treatment of clearly symptomatic cancer-related hypercalcemia that has not responded to adequate hydration. Subsequent to this approval, the Patent and Trademark Office received a patent

term restoration application for Ganite (U.S. Patent No. 4,529,593) from the Sloan-Kettering Institute for Cancer Research, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. FDA, in a letter dated April 2, 1991, advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Ganite represented the first commercial marketing of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Ganite is 6,279 days. Of this time, 5,610 days occurred during the testing phase of the regulatory review period, while 669 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* November 10, 1973. FDA has verified the applicant's claim that the date the investigational new drug (IND) application became effective was November 10, 1973.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* March 20, 1989. The applicant claims March 17, 1989, as the date the new drug application (NDA 19-961) was filed. However, FDA records indicate that the NDA was received March 20, 1989.

3. *The date the application was approved:* January 17, 1991. FDA has verified the applicant's claim that NDA 19-961 was approved January 17, 1991.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 918 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before July 5, 1991, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before November 4, 1991, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d Sess., pp. 41-42,

1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 26, 1991.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 91-10588 Filed 5-3-91; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91E-0117]

Determination of Regulatory Review Period for Purposes of Patent Extension; Geref®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Geref® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nancy E. Pirt, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and

an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Geref®, Geref® (sermorelin acetate) is indicated for the evaluation of the functional capacity and responsiveness of the somatotrophs of the anterior pituitary gland. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Geref® [U.S. Patent No. 4,703,035] from The Salk Institute for Biological Studies, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. FDA, in a letter dated March 26, 1991, advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Geref® represented the first commercial marketing of the product. Shortly thereafter, the Patent and Trademark Office requested that the FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Geref® is 1,166 days. Of this time, 198 days occurred during the testing phase of the regulatory review period, while 968 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* October 21, 1987. The applicant claims August 31, 1987, as the date the investigational new drug (IND) application became effective. However, FDA records indicate that the IND effective date was October 21, 1987, after a clinical hold was lifted.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* May 5, 1988. The applicant claims April 29, 1988, as the

date the new drug application (NDA), NDA 19-863, was filed. However, FDA records indicate that the NDA was received on May 5, 1988.

3. *The date the application was approved:* December 28, 1990. FDA has verified the applicant's claim that NDA 19-863 was approved on December 28, 1990.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,094 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before July 5, 1991, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before November 4, 1991 for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d Sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 26, 1991.
Stuart L. Nightingale,
Associate Commissioner for Health Affairs.
[FR Doc. 91-10590 Filed 5-3-91; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 91E-0116]

Determination of Regulatory Review Period for Purposes of Patent Extension; Lodine®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Lodine® and is publishing this notice of that determination as required by law. FDA has made the determination because of

the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nancy E. Pirt, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Lodine®. Lodine® (etodolac) is indicated for acute and long-term use in the management of signs and symptoms of osteoarthritis. Lodine® is also indicated in the management of pain. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Lodine® (U.S. Patent No. 4,076,831) from American Home

Products Corp., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. FDA, in a letter dated April 2, 1991, advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Lodine® represented the first commercial marketing of the product. Shortly thereafter, the Patent and Trademark Office requested that the FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Lodine® is 4,032 days. Of this time, 1,077 days occurred during the testing phase of the regulatory review period, while 2,955 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* January 19, 1980. FDA has verified the applicant's claim that the date the investigational new drug (IND) application became effective was January 19, 1980.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* December 30, 1982. FDA has verified the applicant's claim that the new drug application (NDA 18-922) was filed on December 30, 1982.

3. *The date the application was approved:* January 31, 1991. FDA has verified the applicant's claim that NDA 18-922 was approved January 31, 1991.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 2 years of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before July 5, 1991, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before November 4, 1991, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H.

Comments and petitions should be submitted to the Dockets Management

Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 28, 1991.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 91-10589 Filed 5-3-91; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91E-0105]

Determination of Regulatory Review Period for Purposes of Patent Extension; Rev-Eyes™

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Rev-Eyes™ and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-82, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard Klein, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approved phase. For human drug products, the testing phase begins when the exemption to permit the clinical

investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Rev-Eyes™. Rev-Eyes™ (dapiprazole hydrochloride) is indicated in iatrogenically induced mydriasis. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Rev-Eyes™ (U.S. Patent No. 4,252,721) from Angelini Pharmaceuticals, Inc., and the Patent and Trademark Office requested FDA's assistance in determining the patent's eligibility for patent term restoration. FDA, in a letter dated April 2, 1991, advised the Patent and Trademark Office that the human drug product had undergone a regulatory review period and that the approval of Rev-Eyes™ represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Rev-Eyes™ is 1,873 days. Of this time, 924 days occurred during the testing phase of the regulatory review period, while 949 days occurred during the approval phase. These periods of time were derived from the following dates:

1. The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective: November 16, 1985. FDA has verified the applicant's claim that the investigational new drug (IND) application for the drug became effective November 16, 1985.

2. The date the application was initially submitted with respect to the human drug product under section 505(b) of Federal Food, Drug, and Cosmetic Act: May 27, 1988. The applicant claims that the new drug application (NDA) for Rev-Eyes™ (NDA 19-849) was initially submitted on May 23, 1988. However, FDA records indicate

that the NDA was received on May 27, 1988.

3. The date the application was approved: December 31, 1990. FDA has verified the applicant's claim that NDA 19-849 was approved on December 31, 1990.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,871 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before July 5, 1991, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before November 4, 1991, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d Sess., pp. 41-42, 1984). Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 28, 1991.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 91-10592 Filed 5-3-91; 8:45 am]

BILLING CODE 4160-01-M

Food and Drug Administration

[Docket No. 90N-0055]

Zenith Laboratories; Conjugated Estrogens Tablets; Withdrawal of Approval of Four Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of four abbreviated new drug applications (ANDAs) for conjugated

estrogens tablets. The basis for the withdrawal is that the products are no longer shown to be safe and lack substantial evidence of effectiveness for their indicated uses. These products, which are generic versions of Premarin Tablets, are no longer marketed. The products have been used for osteoporosis and other conditions amenable to estrogen replacement therapy.

EFFECTIVE DATE: June 5, 1991.

FOR FURTHER INFORMATION CONTACT: Suzanne O'Shea, Center for Drug Evaluation and Research (HFD-366), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8041.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of February 13, 1990 (55 FR 5074), the Director of the Center for Drug Evaluation and Research (the Director) offered an opportunity for a hearing on a proposal to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(e)) to withdraw approval of previously approved ANDA's for conjugated estrogens tablets. The proposal was based on new information demonstrating that the products approved under ANDA's were potentially bioinequivalent to Premarin Tablets, the innovator product manufactured by Wyeth-Ayerst Laboratories. Based on this new information and a reevaluation of other information, the Director found that the products approved under ANDA's were no longer shown to be safe and lacked substantial evidence of effectiveness.

Zenith Laboratories, Inc., 50 Williams Dr., Ramsey, NJ 07446, requested a hearing but subsequently withdrew its hearing request for the following ANDA's:

ANDA 83-373; 0.625 milligram (mg) of conjugated estrogens.

ANDA 83-601; 1.25 mg of conjugated estrogens.

ANDA 83-602; 2.5 mg of conjugated estrogens.

ANDA 88-569; 0.3 mg of conjugated estrogens.

Accordingly, the Director, under section 505(e) of the act (21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 5.82), finds that:

(1) New evidence of clinical experience not contained in the applications listed above or not available until after the applications were approved, and tests by new methods, and tests by methods not deemed reasonably applicable when the applications were approved, evaluated together with the evidence available

when the applications were approved, show that the conjugated estrogens tablet products approved under the applications listed above are not shown to be safe for use under the conditions of use upon the basis of which the applications were approved (21 U.S.C. 355(e)(2)); and

(2) On the basis of new information with respect to the conjugated estrogens tablet products approved under the applications listed above, evaluated together with the evidence available when the applications were approved, there is a lack of substantial evidence that the products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling (21 U.S.C. 355(e)(3)).

Therefore, pursuant to the foregoing finding, approval of the ANDA's listed above, and all amendments and supplements thereto, is hereby withdrawn, effective June 5, 1991. Shipment in interstate commerce of the products listed above will then be unlawful.

Section 505(j)(6)(C) of the act requires that FDA immediately remove from its approved product list ("Approved Drug Products with Therapeutic Equivalence Evaluations") (the list) any drug whose approval was withdrawn for grounds described in the first sentence of section 505(e) of the act. Such grounds apply to the withdrawals of approval of the ANDA's listed above. Notice is hereby given that the drug products covered by these ANDA's are removed from the list.

Dated: April 25, 1991.

Carl C. Peck,

Director, Center for Drug Evaluation and Research.

[FR Doc. 91-10594 Filed 5-3-91; 8:45 am]

BILLING CODE 4160-01-M

Food and Drug Administration

[Docket No. 91E-0109]

Determination of Regulatory Review Period for Purposes of Patent Extension; Zofran*

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Zofran* and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce,

for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nancy E. Pirt, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Zofran*. Zofran* (ondansetron hydrochloride) Injection is indicated for the prevention of nausea and vomiting associated with initial and repeat courses of emetogenic cancer chemotherapy, including high dose cisplatin. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Zofran* (U.S. Patent No. 4,695,576) from Glaxo Group Ltd., and the Patent and Trademark Office

requested FDA's assistance in determining this patent's eligibility for patent term restoration. FDA, in a letter dated April 2, 1991, advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Zofran® represented the first commercial marketing of the product. Shortly thereafter, the Patent and Trademark Office requested that the FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Zofran® is 1,570 days. Of this time, 1,120 days occurred during the testing phase of the regulatory review period, while 450 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* September 19, 1986. FDA has verified the applicant's claim that the date the investigational new drug (IND) application became effective was September 19, 1986.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* October 12, 1989. FDA has verified the applicant's claim that the new drug application (NDA20-007) was filed on October 12, 1989.

3. *The date the application was approved:* January 4, 1991. FDA has verified the applicant's claim that NDA 20-007 was approved on January 4, 1991.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 560 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before July 5, 1991, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before November 4, 1991, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d Sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 26, 1991.
Stuart L. Nightingale,
Associate Commissioner for Health Affairs.
[FR Doc. 91-10591 Filed 5-3-91; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 87A-0255]

Response to a Request for an Advisory Opinion on the Preemption of a Proposed New York Statute Governing the Labeling of Sunglasses; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a response to a request for an advisory opinion concerning the applicability of the preemption provisions of the Federal Food, Drug, and Cosmetic Act (the act) to certain New York State Senate and Assembly Bills governing the labeling of sunglasses. The request was supplemented by additional information in a letter sent to FDA, dated February 6, 1990.

DATES: Comments on the advisory opinion may be submitted at any time.

ADDRESSES: Submit written requests for single copies of the response on the preemption of a proposed New York statute governing the labeling of sunglasses to the Office of Standards and Regulations, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send two self-addressed adhesive labels to assist that office in processing your requests. Submit written comments on the response to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Requests and comments should be identified with the docket number found in brackets in the heading of this document. A copy of the response and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: On July 22, 1987, David O. Elliott, on behalf of the Sunglass Association of America, submitted a request for an advisory opinion, supplemented by additional information in a letter dated February 6, 1990 to FDA on whether New York State Senate Bill 3347 and Assembly Bill 7742—A governing the labeling of sunglasses are preempted under section 521(a) (21 U.S.C. 360k(a)) of the act. These bills would require that sunglasses bear labeling concerning the level of protection from ultraviolet light afforded by the lenses.

Section 521(a) of the act provides that no State or local government may establish or continue in effect any requirement with respect to the safety and effectiveness of a device or to any other requirement applicable to the device under the act if such requirement is different from, or in addition to, a requirement which is applicable to the device under the act.

FDA has reviewed the proposed bills and determined that, if enacted, they would not be preempted by section 521(a) of the act, because there are no specific FDA counterpart requirements. FDA has worked with the Sunglass Association of America to develop voluntary labeling on protection from ultraviolet light provided by sunglasses. FDA believes that this voluntary labeling may, if implemented, ameliorate the concerns addressed by the New York legislation.

The agency is now in the process of considering whether to revise § 10.85 *Advisory opinions* (21 CFR 10.85). Although the decision-making process is not yet complete, the agency has decided to publish this opinion. However, this notice and the opinion are not being issued under the authority of 21 CFR 10.85, and the opinion, although called an advisory opinion, does not operate to bind the FDA or any other person in any way.

The agency advises that this advisory opinion represents its current position on this preemption issue. A person may follow the opinion or may choose to follow an alternate course of action. If a person chooses an alternate course of action, that person may wish to discuss the matter further with the agency to prevent an expenditure of effort on activities that may later be determined to be unacceptable by FDA. This opinion does not bind the agency, and it

does not create or confer any rights, privileges, or benefits for or on any person.

Dated: April 26, 1991.

Ronald G. Chesebrough,
Associate Commissioner for Regulatory
Affairs.

[FR Doc. 91-10593 Filed 5-3-91; 8:45 am]

BILLING CODE 4180-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Meeting of the Take Pride in America Advisory Board

AGENCY: Take Pride in America, Office of the Secretary, Department of the Interior.

ACTION: Notice of meeting of the Take Pride in America Advisory Board.

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. appendix (1988), that a meeting of the Take Pride in America Advisory Board will be held on May 23, 1991 in the Secretary's Conference Room 5160, 5th floor of the U.S. Department of the Interior Building, 1849 C Street, NW., Washington.

The general business session will start at 1 p.m. on Thursday, May 23 and is planned to conclude at 3 p.m. of that same day.

The purpose of this meeting is to launch the newly created Take Pride in America Advisory Board. This first meeting of the Advisory Board will consist of an overview and briefing of the Take Pride in America program. The Board will explore avenues to advise the Secretary of the Interior on the aspects of the program as they apply to the mission of the Department of the Interior. Officials of the Department of Interior and the Take Pride in America staff will also address the Board.

The business meeting will be open to the public. Space and facilities to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. Anyone may file with the Board a written statement concerning matters to be discussed.

The Chairman will allow for public commentary, but may restrict the length of presentations as necessary to allow the Board to complete its agenda within the allotted time.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Ms. Mary Ann Gomez, Take Pride in America, U.S. Department of the Interior, room 5123, 1849 C Street, NW.,

Washington, DC 20240 (telephone 202-208-3726). Draft summary minutes of the meeting will be available for public inspection about 8 weeks after the meeting, in room 5123, Main Interior Building, 1849 C Street, NW., Washington, DC 20240.

Mary Ann Gomez,

Advisory Board Management Officer.

[FR Doc. 91-10626 Filed 5-3-91; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

[NV-010-91-4130-09]

Amended Notice of Intent for the Environmental Impact Statement; Ivanhoe Gold Co., Elko County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment of the Notice of Intent to prepare an Environmental Impact Statement on the mining plan of operations for the Ivanhoe Gold Company in Elko County, Nevada.

SUMMARY: On April 5, 1991, a Notice of Intent (NOI) to prepare the Ivanhoe Mine Expansion EIS was published in the *Federal Register* on pages 14118-14119. Since the publication of the NOI, it was decided to amend the project and consequently the proposed action of the EIS, to assess the impacts of mining a third pit and the related waste rock disposal areas and heap leach facilities. This amendment has enlarged the project size from 228 acres to 526 acres. Due to these changes, the scoping period for the Environmental Impact Statement has been extended three weeks to June 24, 1991. All other terms and conditions of the previous notice continue to apply.

Dated: April 23, 1991.

Nancy Phelps,

Acting District Manager.

[FR Doc. 91-10572 Filed 5-3-91; 8:45 am]

BILLING CODE 4310-10-M

[NV-930-91-4320-13]

Las Vegas District Grazing Advisory Board Meeting; NV

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Las Vegas District Grazing Advisory Board will be held Thursday, May 30, 1991. The meeting will begin at 10 a.m., in the conference room of the Peppermill Hotel and Casino, Mesquite, Nevada, and continue until 3 p.m.

The agenda is as follows:

1. Welcome and introductions.
2. Range Improvements proposals.

3. Update on section 7 Consultation for livestock grazing on Desert Tortoise habitat.

4. Public comments.

5. Arrangements for next meeting.

The meeting is open to the public. Interested persons may make oral comments to the Board during the public comment period on the day of the meeting or they may file written statements for the Board's consideration during the meeting. Notify the District Manager, BLM, 4765 West Vegas Drive, P.O. Box 26569, Las Vegas, Nevada 89126, if you wish to make an oral statement to the Board. Summary minutes of the Board meeting will be maintained at the Las Vegas District Office. The minutes will be available for public inspection during regular hours (7:30 a.m. to 4:15 p.m.) within 30 days after the meeting.

Ben F. Collins,

District Manager, Las Vegas.

[FR Doc. 91-10574 Filed 5-3-91; 8:45 am]

BILLING CODE 4310-10-M

[AZ-020-4332-02]

Phoenix District Advisory Council; Meeting

AGENDA: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Phoenix District Advisory Council.

DATE: June 11, 1991.

SUMMARY: The Phoenix District Advisory Council of the Bureau of Land Management meets June 11, 1991 at the Phoenix District Office, 2015 West Deer Valley Road, Phoenix at 9 a.m. to discuss and make recommendations on various public land issues.

The Council has been established by and will be managed according to the Federal Advisory Committee Act of 1972, the Federal Land Policy and Management Act of 1976, and the Public Rangelands Improvement Act of 1978.

The agenda for the meeting includes:

- Kingman Resource Area Resource Management Plan.
- BLM Management Updates.
- Business from the Floor.
- Public Comments and Statements.
- Future Meetings and Agenda Topics.

SUPPLEMENTARY INFORMATION: This is a public meeting and the Bureau of Land Management welcomes the presentation of oral statements or the submission of written statements that address the issues on the meeting agenda or related matters.

Dated: April 25, 1991.

Henri R. Bisson,

District Manager.

[FR Doc. 91-10575 Filed 5-3-91; 8:45 am]

BILLING CODE 4310-32-M

Minerals Management Service (MMS)

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1010-0079); Washington, DC 20503, telephone (202) 395-7430, with copies to John V. Mirabella; Acting Chief, Engineering and Standards Branch; Engineering and Technology Division; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070-4817.

Title: 30 CFR part 250, subpart G, Abandonment of Wells.

OMB approval number: 1010-0079.

Abstract: Respondents submit this information to MMS so they can verify that permitting requirements are met, estimate completion dates, and determine that a necessity exists to leave the wellbore in an uncomplicated state.

Bureau form number: None.

Frequency: Annual.

Description of respondents: Federal Outer Continental Shelf oil and gas lessees.

Estimated completion time: 16 hours.

Annual responses: 10

Annual burden hours: 160

Bureau clearance officer: Dorothy Christopher (703) 787-1239.

Dated: April 5, 1991.

Carolita U. Kallaur,

Associate Director for Offshore Minerals Management.

[FR Doc. 91-10622 Filed 5-3-91; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-290; Sub-No. 115X]

Norfolk Southern Railway Company—Abandonment Exemption—In Madison County, TN

Applicant has filed a notice of exemption under 49 CFR part 1152, Subpart F—*Exempt Abandonments* to abandon its 2.22-mile line of railroad between milepost C-473.78, at Bemis, and milepost C-476.00, at Malesus, in Madison County, TN.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. district court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on June 5, 1991 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),² and trail use/rail

¹ A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

banking statements under 49 CFR 1152.29 must be filed by May 16, 1991.³ Petitions for reconsideration and requests for public use conditions under 49 CFR 1152.28 must be filed by May 28, 1991, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Richard W. Kienle, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-2191.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by May 10, 1991. Interested persons may obtain a copy of the EA from SEE by writing to it (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275-7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 29, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-10516 Filed 5-3-91; 8:45 am]

BILLING CODE 7035-01-M

Indexing the Annual Operating Revenues of Railroads, Motor Carriers of Property and Motor Carriers of Passengers

AGENCY: Interstate Commerce Commission.

ACTION: Notice.

This Notice sets forth the annual inflation adjusting index numbers which are used to adjust gross annual operating revenues of railroads, motor carriers of property and motor carriers of passengers for classification purposes. This indexing methodology will insure that regulated carriers are classified based on real business

³ The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

expansion and not from the effects of inflation. Classification is important because it determines the extent of reporting for each carrier.

The railroad's inflation factors are based on the annual average Railroad's Freight Price Index. For both motor carriers of property and motor carriers of passengers, the inflation factors are based on the annual average Producer Price Index for all commodities. The indexes are developed by the Bureau of Labor Statistics (BLS).

The base years for railroads, motor carriers of property, and passenger motor carriers are 1978, 1980, and 1988 respectively. The inflation index factors for 1988, 1989, and 1990 are presented as follows:

RAILROADS-RAILROAD FREIGHT INDEX

	Index	Deflator percent
1978.....	213.1	
1980.....	392.1	54.35
1988.....	398.5	53.48
1990.....	402.3	52.98

MOTOR CARRIERS OF PROPERTY PRODUCER PRICE INDEX ¹

	Index	Deflator percent
1980.....	89.8	
1988.....	108.9	84.00
1989.....	112.2	80.04
1990.....	116.3	77.21

¹ The indices and deflator percentages for motor carriers of property were adjusted to reflect changes by the BLS.

MOTOR CARRIERS OF PASSENGERS PRODUCER PRICE INDEX

	Index	Deflator percent
1988.....	106.9	
1989.....	112.2	95.28
1990.....	116.3	91.92

EFFECTIVE DATE: January 1, 1991.

FOR FURTHER INFORMATION CONTACT: William F. Moss III, (202) 275-7510.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-10649 Filed 5-3-91; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

National Institute of Justice

National Institute of Justice Research Plan; 1991

AGENCY: Office of Justice Programs, National Institute of Justice.

ACTION: Public announcement of the availability of the National Institute of Justice Research Plan: 1991.

SUMMARY: The National Institute of Justice (NIJ) is publishing this Notice of the availability of its NIJ Research Plan: 1991.

DATES: The deadlines for receipt of proposals are June 20, 1991, and June 27, 1991.

ADDRESSES: National Institute of Justice, 633 Indiana Avenue, NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Charles B. DeWitt, Director, National Institute of Justice, 633 Indiana Avenue, NW., Washington, DC 20531. To obtain copies of the NIJ Research Plan: 1991, call the National Criminal Justice Reference Service, 1-800-851-3420 (in Metropolitan Washington (301-251-5500), Box 6000, Rockville, MD 20850.

SUPPLEMENTARY INFORMATION: The following supplementary information is provided:

Authority This action is authorized under 42 U.S.C. 3721-23 (1988).

Background

The Office of Justice Programs (OJP), U.S. Department of Justice, previously published a notice announcing the FY 1991 Discretionary Program Plans for its component bureaus/offices (see 56 FR 1672, January 16, 1991). The National Institute of Justice Research Plan: 1991, announced herein, provides further details of NIJ programs outlined in the OJP Plan. Also included in the NIJ Research Plan are application requirements, application forms, and deadlines for receipt of proposals. For a copy of the NIJ Research Plan: 1991, call the National Criminal Justice Reference Service, 1-800-851-3420 (in Metropolitan Washington, 301-251-5500).

Charles B. DeWitt,

Director, National Institute of Justice.

[FR Doc. 91-10558 Filed 5-3-91; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Wyoming State Standard: Approval

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Approval of changes to the Wyoming State Standard: Oil and gas well drilling.

SUMMARY: This Notice approves changes to Wyoming's Standard for Oil and Gas Well Drilling, submitted for approval on May 1, 1990. The oil and gas well drilling standard is an independent State standard for which there is no Federal equivalent. Where a State standard adopted pursuant to an OSHA-approved State plan differs significantly from a comparable Federal standard or is a State-initiated standard, the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (the Act) requires that the State standard must be "at least as effective" in providing safe and healthful employment and places of employment. In addition, if the standard is applicable to a product distributed or used in interstate commerce, it must be required by compelling local conditions and not pose any undue burden on interstate commerce.

On November 30, 1990, OSHA published a Federal Register notice (55 FR 49722) requesting public comment on both the "at least as effective" criterion as well as the product clause test of section 18(c)(2) of the Act. This notice invited interested persons to submit by December 31, 1990, written comments and views regarding the Wyoming standards and whether they should be approved by the Assistant Secretary. In response to this notice, OSHA did not receive any comments from the public.

EFFECTIVE DATE: May 6, 1991.

FOR FURTHER INFORMATION CONTACT: James Foster, Director Office of Information and Consumer Affairs, Occupational Safety and Health Administration, room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210, Telephone (202) 523-8148.

SUPPLEMENTARY INFORMATION:

A. Background

The requirements for adoption and enforcement of safety and health standards by a State with a State plan approved under section 18(b) of the Act

are set forth in section 18(c)(2) of the Act and in 29 CFR part 1902, 29 CFR 1952.7, and 29 CFR 1953.21, 1953.22 and 1953.23. OSHA regulations require that States respond to the adoption of new or revised permanent Federal standards by State promulgation of comparable standards within six months of OSHA publication in the *Federal Register* (29 CFR 1953.23(a); a 30-day response time is required for State adoption of a standard comparable to a Federal emergency temporary standard (29 CFR 1953.22(a)). Independent State standards also must be submitted for OSHA's review and approval. Newly adopted State standards or revisions to standards must be submitted for OSHA review and approval under procedures set forth in 29 CFR part 1953, but are enforceable by the State prior to Federal review and approval. Section 18(c)(2) of the Act provides that if State standards which are not identical to Federal standards are applicable to products which are distributed or used in interstate commerce, such standards must be required by compelling local conditions and must not unduly burden interstate commerce. (This latter requirement is commonly referred to as the "product clause.")

On May 3, 1974, notice was published in the *Federal Register* (39 FR 15394) of the approval of the Wyoming State plan and the adoption of subpart BB to part 1952 containing the decision. A determination of final approval was made under section 18(e) of the Act on June 27, 1985 (50 FR 28770). The Wyoming State plan provides for the adoption of State standards in the following manner.

The Wyoming Division of Occupational Health and Safety (WOHS) either proposes to adopt Federal standards or drafts such standards as it considers necessary after agency review and research and consultation with other persons knowledgeable in the specific field for which the standards are being formulated. The standards are submitted to the Wyoming Occupational Health and Safety Commission for its approval. The Wyoming plan provides for adoption of a standard as a State standard after public notice and hearing are published in accord with the Wyoming Administrative Procedures Act and the Secretary's rules on rulemaking. By letter of May 1, 1990, changes to the oil and gas well drilling standard were submitted by Stephan R. Foster, OSHA Program Manager, Division of Employment Affairs—OSHA, to Byron R. Chadwick, OSHA Regional Administrator. The subject standard establishes rules and regulations applicable to the oil and gas

well drilling industries in the State of Wyoming. After the normal open period for public review and comment, the Commission adopted these changes and they became effective May 15, 1989.

The Wyoming Oil and Gas Well Drilling Standard was initially approved by OSHA on December 14, 1987, after providing an opportunity for public comment. OSHA received comments from three associates representing the oil and gas well industry. All three associates were in favor of the standard and recommended its approval. The State's standard section on Safety Procedures for Drill Stem Tests was subsequently revised on May 15, 1989. The changes provide additional requirements for drill stem tests in areas containing hydrogen sulfide (H₂S).

OSHA does not have specific standards for oil and gas well drilling. It currently applies 29 CFR part 1910 General Industry Standards and OSHA Instruction STD 1-12.28 to conditions addressed by the Wyoming standard. The Wyoming standard was therefore compared to OSHA's general standards requirements and enforcement policy set out in OSHA Instruction STD 1-12.28, which prescribes alternative abatement methods.

B. Public Participation

A *Federal Register* notice requesting public comment on both the "at least as effective" criterion as well as the product clause test of section 18(c)(2) of the Act was published on November 30, 1990 (55 FR 49723). This notice invited interested persons to submit by December 31, 1990, written comments and views regarding the changes to Wyoming oil and gas well drilling standard and whether they should be approved by the Assistant Secretary. In addition, comments were specifically sought on whether the standards are applicable to products which are distributed or used in interstate commerce; required by compelling local conditions; and unduly burden interstate commerce. In response to the August November 30, 1990 *Federal Register* notice, OSHA did not receive any public comment on the changes.

C. Decision

Having reviewed the State submission and having received no objections to the approval of changes to the standard, OSHA has determined that:

[1] Changes to the Wyoming standard for oil and gas well drilling is at least as effective as Federal OSHA's general standards requirements (29 CFR part 1910 General Industry Standards) applicable to conditions addressed by the Wyoming standard. Thus, OSHA determines that the changes to the State

standard meet the "at least as effective" criterion of section 18(c)(2) of the Act; and,

[2] The record on these changes includes no evidence, developed by or submitted to OSHA, that the changes to the standard are not in compliance with the product clause test of section 18(c)(2) of the Act; therefore the changes to the standard are presumed to be in compliance with section 18(c)(2) of the Act.

OSHA therefore approves changes to the Wyoming standard for oil and gas well drilling.

D. Location of Supplement for Inspection and Copying

A copy of the changes to the Wyoming standard applicable to the oil and gas well industries, along with approved State provisions for adoption of the standard, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, U.S. Department of Labor, Federal Office Building, room 1576, 1961 Stout Street, Denver, Colorado 80294; Division of Employment Affairs—WOHS, Wyoming Department of Employment, Herschler Building, 2nd Floor East, 122 West 25th Street, Cheyenne, Wyoming 82002; Office of the Director, Federal-State Operations, OSHA, U.S. Department of Labor, room N-3700, 200 Constitution Avenue, NW., Washington, DC 20210.

This decision is effective May 6, 1991.

Authority: Sec. 18, 84 Stat. 1608 [29 U.S.C. 667]; 29 CFR part 1902, Secretary of Labor's Order No. 1-90, (55 FR 9633).

Signed the 29th day of April 1991, in Washington, DC.

Gerard F. Scannell,
Assistant Secretary.

[FR Doc. 91-10608 Filed 5-3-91; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL COMMUNICATIONS SYSTEM

Federal Telecommunications Standards

AGENCY: National Communications System, Office of Technology Standards.

ACTION: Notice for comment on proposed standard.

SUMMARY: The purpose of this notice is to solicit the views of Federal agencies, industry, the public, and State and local governments on proposed Federal Telecommunications Standard 1090, "Telecommunications: Federal Building Telecommunications Wiring Standards."

DATES: Comments are due within 90 days of the date of this notice.

ADDRESSES: Send comments to the National Communications System, Office of Technology and Standards, Washington, DC 20305-2010.

FOR FURTHER INFORMATION CONTACT: National Communications System, Office of Technology and Standards, Washington, DC 20305-2010, Mr. Nick Andre, telephone (703) 692-2124.

SUPPLEMENTARY INFORMATION:

1. The General Services Administration (GSA) is responsible under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardized Program. On August 14, 1972, the Administrator of General Services designated the National Communications System (NCS) as the responsible agent for the development of Federal telecommunication standards for NCS interoperability and the computer communication interface. GSA's authority to publish Federal Telecommunications Standards is dependent on the definition of automatic data processing equipment as specified in 40 U.S.C. 759.

2. Prior to the adoption of proposed Federal standards, it is important that proper consideration be given to the needs and views of Federal agencies, industry, the public, and State and local governments.

3. Requests for copies of the draft proposed FED-STD 1090 should be directed to the National Communications System, Office of Technology and Standards, Washington, DC 20305-2010.

Dennis Bodson,

Assistant Manager, NCS Office of Technology & Standards.

[FR Doc. 91-10623 Filed 5-3-90; 8:45 am]

BILLING CODE 3610-05-M

Federal Telecommunications Standards

AGENCY: National Communications System, Office of Technology and Standards.

ACTION: Notice for comment on proposed standard.

SUMMARY: The purpose of this notice is to solicit the views of Federal agencies, industry, the public, and State and local governments on proposed Federal Telecommunications Standard 1092, "Telecommunications: Residential & Light Commercial Telecommunications Wiring Standard."

DATES: Comments are due within 90 days of the date of this notice.

ADDRESSES: Send comments to the National Communications System,

Office of Technology and Standards, Washington, DC 20305-2010.

FOR FURTHER INFORMATION CONTACT: National Communications System, Office of Technology and Standards, Washington, DC 20305-2010, Mr. Nick Andre, telephone (703) 692-2124.

SUPPLEMENTARY INFORMATION:

1. The General Services Administration (GSA) is responsible under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the Administrator of General Services designated the National Communications System (NCS) as the responsible agent for the development of Federal telecommunication standards for NCS interoperability and the computer communication interface. GSA's authority to publish Federal Telecommunication Standards is dependent on the definition of automatic data processing equipment as specified in 40 USC 759.

2. Prior to the adoption of proposed Federal standards, it is important that proper consideration be given to the needs and views of Federal agencies, industry, the public, and State and local governments.

3. Requests for copies of the draft proposed FED-STD 1092 should be directed to the National Communications System, Office of Technology and Standards, Washington, DC 20305-2010.

Dennis Bodson,

Assistant Manager, NCS Office of Technology & Standards.

[FR Doc. 91-10624 Filed 5-3-91; 8:45 am]

BILLING CODE 3610-05-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Catherine Wolhowe, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/786-0322.

SUPPLEMENTARY INFORMATION: The proposed meeting is for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of title 5, United States Code.

Date: May 20, 1991.

Time: 9 a.m. to 5:30 p.m.

Room: 316-2.

Program: This meeting will review fellowship applications submitted to the HBCU Faculty Graduate Study Program in the Division of Fellowships and Seminars, for projects beginning after September 1992.

Thomas Kingston,

Advisory Committee; Management Officer, Alternate.

[FR Doc. 91-10605 Filed 5-3-91; 8:45 am]

BILLING CODE 7538-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-272 and 50-311]

Public Service Electric & Gas Co.; et al.; Issuance of Environmental Assessment and Finding of no Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-70 and DPR-75 issued to Public Service Electric & Gas Company, Philadelphia Electric Company, Delmarva Power & Light Company, and Atlantic City Electric Company (the licensees) for operation of the Salem Nuclear Generating Station, Units 1 and 2, (the facility) located in Salem County, New Jersey.

Environmental Assessment**Identification of Proposed Action**

The proposed amendment would change the expiration date for the Salem Unit 1 Operating License from September 25, 2008 to August 13, 2016 and for the Salem Unit 2 Operating License from September 25, 2008 to April 18, 2020. The original date is 40 years from the date of issuance of the Construction Permit. The revised date is 40 years from the date of issuance of the Operating License. The Commission's staff has prepared an Environmental Assessment of the proposed action, "Environmental Assessment by the Office of Nuclear Reactor Regulation Relating to the change in the Expiration Dates of Facility Operating License Nos. DPR-70 and DPR-75, Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Salem Nuclear Generating Station, Units 1 and 2, Docket Nos. 50-272 and 50-311," dated April 30, 1991.

Summary of Environmental Assessment

The Commission's staff has reviewed the potential environmental impact of the proposed change in the expiration dates of the Operating Licenses for the Salem Nuclear Generating Station, Units 1 and 2. This evaluation considered the previous environmental studies, including the "Final Environmental Statement related to operation of Salem Nuclear Generating Station, Units 1 and 2," dated April 1973, and more recent NRC policy related to evaluations of license extensions for similar nuclear power plants.

Radiological Impacts

The staff concludes that the current Exclusion Area Boundary, Low Population Zone, and nearest population center distances will likely remain unchanged from those described in the April 1973 Final Environmental Statement (FES). The regional demography for Salem within a 25-mile radius is found to be about 48 percent woodlands, and 42 percent agriculture. The FES projected a 20 percent increase in population within 5 miles of the facility from 1970 to 1980, and a 23 percent increase within the 30-mile radial distance. Based on 1980 census data, the level of population projected in the FES for 1980 is close to the 1980 census data. The staff also projected an upward trend in the population of the region for the years 1990 and 2020. Based upon these population estimates, the staff therefore concludes that projected population distributions as

related to the requested extension of the Salem operating licenses are adequately bounded by the FES.

The additional period of plant operation would not significantly affect the probability or consequences of any reactor accident. Salem Nuclear Generating Station, Units 1 and 2, radiological effluents to unrestricted areas during normal operation have been far below 10 CFR part 50, appendix I limits, and are indicative of future releases. The proposed additional years of reactor operation do not increase the annual public risk from reactor operation.

With regard to normal plant operation, the occupational exposures for the Salem Nuclear Generating Station, Units 1 and 2, is indicated to be in the upper 40 percent of all PWRs in achieving ALARA goals. In fact, Salem has reduced its total collective dose from 300 person-rem in 1987 to 252 person-rem in 1988, and then to 169 person-rem in 1989, as compared to the annual PWR averages of 371, 336, and 296 person-rem, respectively, for each corresponding year. The staff has determined that no changes to the amendment application with respect to occupational radiation protection is necessary for a 40-year operating life for Salem 1 and 2.

Accordingly, annual radiological impacts on man, both offsite and onsite, are not more severe than previously estimated in the FES, and the staff's previous cost-benefit conclusions remain valid.

The environmental impact attributable to transportation of fuel and waste to and from Salem Nuclear Generating Station, Units 1 and 2, with respect to normal conditions of transport and possible accidents in transport, are adequately bounded by those identified in Table S-4 of 10 CFR 51.52. The values in Table S-4 would continue to represent the contribution of transportation to the environmental cost associated with plant operations.

Non-Radiological Impact

The Commission has concluded that the herein proposed extensions will not cause a significant increase in the impacts to the environment and will not change any conclusions reached by the Commission in the FES.

Findings of no Significant Impact

The Commission has reviewed the proposed change to the respective expiration dates of the Salem Nuclear Generating Station, Units 1 and 2, Operating Licenses relative to the requirements set forth in 10 CFR part 51. Based upon the environmental

assessment, the staff has concluded that there are no significant radiological or non-radiological impacts associated with the proposed action and that the proposed license amendments will not have a significant effect on the quality of the human environment. Therefore, the Commission has determined, pursuant to 10 CFR 51.31, not to prepare an environmental impact statement for the proposed amendment. For further details with respect to this action, see (1) The application for amendment dated August 3, 1987, as supplemented on August 10 and 21, 1990, (2) the Final Environmental Statement related to operation at Salem Nuclear Generating Station, Units 1 and 2, issued April 1973, and (3) the Environmental Assessment dated April 30, 1991. These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the Local Public Document Room located at Salem Free Public library, 112 West Broadway, Salem, New Jersey 08079.

Dated at Rockville, Maryland, this 30th day of April 1991.

For the Nuclear Regulatory Commission,
Walter R. Butler,

Director, Project Directorate 1-2, Division of
Reactor Projects-1/II, Office of Nuclear
Reactor Regulation.

[FR Doc. 91-10660 Filed 5-3-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-361 AND 50-362]

**Southern California Edison Co. et al.;
San Onofre Nuclear Generating
Station, Unit Nos. 2 and 3
Environmental Assessment and
Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption to Facility Operating License No. 10 and No. 15 issued to Southern California Edison Company, et al., for operation of San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, located in San Diego County, California.

Environmental Assessment**Identification of Proposed Action**

The proposed exemption would allow the licensee relief from the provision of section III.D.1(a) of appendix J to 10 CFR part 50 that requires that the third test of each set of three Type A (Containment integrated leak rate) tests for a 10-year service period shall be conducted when the unit is shutdown for the 10-year unit inservice inspection (ISI). In a letter dated April 8, 1991, the licensee

requested to be allowed to conduct the third Type A test of each 10-year inservice interval during a separate plant outage from the 10-year plant ISI.

The Need for the Proposed Action

The proposed exemption is required in order to permit the licensee to uncouple the third Type A test for a 10-year service period from the 10-year ISI for San Onofre Units 2 and 3.

Environmental Impact of the Proposed Action

The Commission has completed its evaluation of the proposed exemption and concludes that the exemption would only permit the licensee to conduct the third Type A test in a 10-year service period and the 10-year ISI in different outages. The 10-year ISI would be conducted at an outage later than the Type A test. The exemption does not change the licensed power level, or reduce the containment integrity requirements or 10-year ISI requirements. Therefore, the proposed exemption does not increase the probability or consequences of accidents; no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that granting the proposed action would result in no significant radiological environmental impact.

With regard to potential nonradiological impacts, the proposed exemption involves systems located within the restricted areas as defined in 10 CFR part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with a grant of the proposed exemption.

Alternative to the Proposed Action

Since the Commission has concluded that there are no significant environmental effects that would result from a grant of the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested exemption. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in

the Final Environmental Statement related to operation of the San Onofre Nuclear Generating Station, Units 2 and 3 dated April 1981 and its Errata dated June 1981.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of no Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the licensee's application for exemption dated April 8, 1991, which is available for public inspection at the Commission's Public Document Room, Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room at the Main Library, University of California, P.O. Box 19557, Irvine, California 92713.

Dated at Rockville, Maryland, this 26th day of April, 1991.

For the Nuclear Regulatory Commission.

Charles M. Trammell,

*Acting Director, Project Directorate V,
Division of Reactor Project III/IV/V, Office of
Nuclear Reactor Regulation.*

[FR Doc. 91-10661 Filed 5-3-91; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Planning and Procedures; Meeting

The Subcommittee on Planning and Procedures will hold a meeting on May 8, 1991, room P-110, 7920 Norfolk Avenue, Bethesda, MD. Prior notice of this meeting was published on April 24, 1991 (56 FRN 18840).

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: Wednesday, May 8, 1991—6:15 p.m. until 7:15 p.m.

The Subcommittee will consider the policies and practices of the ACRS with respect to the scheduling and conduct of its meetings and related activities, a proposed revision of ACRS Bylaws to update committee practices consistent with current policies, and to eliminate lengthy detailed procedures, appendices, and attachments.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee

Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Raymond F. Fraley (telephone 301/492-4516) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: April 30, 1991.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 91-10662 Filed 5-3-91; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Incorporated

April 30, 1991.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Autozone, Inc.

Common Stock, \$0.01 Par Value (File No. 7-6745)

Comerica, Inc.

Common Stock, \$5.00 Par Value (File No. 7-6746)

Continuum Co., Inc.
Common Stock, \$0.10 Par Value (File No. 7-6747)

Furr's/Bishop's Inc.
Class A Common Stock, \$0.01 Par Value (File No. 7-6748)

Illinois Central Corp.
Common Stock, \$0.001 Par Value (File No. 7-6749)

Mid-American Waste Systems, Inc.
Common Stock, \$1.00 Par Value (File No. 7-6750)

Nuveen Select Quality Municipal Fund, Inc.
Common Stock, \$0.01 Par Value (File No. 7-6751)

Pet, Inc.
Common Stock, \$0.01 Par Value (File No. 7-6752)

Pioneer Electronic Corp.
American Depositary Shares (1 Share Common Stock, 50 Yen Par Value) (File No. 7-6753)

Terex Corp.
Common Stock, \$0.01 Par Value (File No. 7-6754)

TriMas Corp.
Common Stock, \$0.01 Par Value (File No. 7-6755)

Western Waste Industries
Common Stock, No Par Value (File No. 7-6756)

Yankee Energy System Inc.
Common Stock, \$5.00 Par Value (File No. 7-6757)

Attwoods, Plc
American Depositary Shares (File No. 7-6558)

National City Corp.
Depositary Receipts (File No. 7-6759)

Uno Restaurant Corp.
Common Stock, \$0.01 Par Value (File No. 7-6760)

USX—Marathon Group
Common Stock, \$1.00 Par Value (File No. 7-6761)

USX—U.S. Steel Group
Common Stock, \$1.00 Par Value (File No. 7-6762)

Americus Trust for Xerox Corp.
Prime Component (File No. 7-6763)

Hasbro, Inc.
Warrants (File No. 7-6764)

AMSCO International Inc.
Common Stock, \$0.01 Par Value (File No. 7-6765)

Collins Foods, Inc.
Common Stock, \$0.01 Par Value (File No. 7-6766)

Destec Energy, Inc.
Common Stock, \$0.01 Par Value (File No. 7-6767)

Grand Metropolitan Plc
American Depositary Receipts (File No. 7-6768)

LSI Logic Corp.
Common Stock, \$0.01 Par Value (File No. 7-6769)

NIKE, Inc.

Class B Common Stock, No Par Value (File No. 7-6770)

Rollins Environmental Services, Inc.
Common Stock, \$1.00 Par Value (File No. 7-6771)

Safeway, Inc.
Common Stock, \$0.01 Par Value (File No. 7-6772)

RJR Holdings Corp.
Common Stock, \$0.01 Par Value (File No. 7-6773)

Sotheby's Holdings, Inc.
Class A Common Stock, \$0.10 Par Value (File No. 7-6774)

American Municipal Term Trust, Inc.
Common Stock, \$0.01 Par Value (File No. 7-6775)

Blackstone Strategic Term Trust, Inc.
Common Stock, \$0.01 Par Value (File No. 7-6776)

ECC International Corp.
Common Stock, \$0.10 Par Value (File No. 7-6777)

Nuevo Energy Co.
Common Stock, \$0.01 Par Value (File No. 7-6778)

Nuveen Insured Quality Municipal Fund
Common Stock, \$0.01 Par Value (File No. 7-6779)

University Health Realty Income Trust
Common Stock, \$0.01 Par Value (File No. 7-6780)

URCARCO, Inc.
Common Stock, \$0.01 Par Value (File No. 7-6781)

Wheeling Pittsburgh Corp.
Warrants (File No. 7-6782)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 21, 1991, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 91-10565 Filed 5-3-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-29133; File No. SR-DTC-91-08]

Self-Regulatory Organizations; The Depository Trust Company; Filing of Proposed Rule Change Relating to a New Legal Notice System

April 26, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 10, 1991, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (SR-DTC-91-08) as described in Items I, II, and III below, which items have been prepared by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change establishes procedures whereby DTC Participants may choose from a menu on their Participant Terminal System ("PTS") screen through the Legal Notice System ("LENS") certain notices received by DTC which they wish to order.

II. Self Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and statutory basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

DTC's current notice distribution system has become an enormous and expensive enterprise requiring duplication and distribution of up to 85,000 copies per day. The expense for all of this is borne by DTC's Participants and is paid for out of their general fee. A recent survey revealed that most Participants find that only a fraction of currently distributed notices are of interest to them.

Participants have asked DTC to create a system which would reduce the

amount of notices that they receive. LENS has been developed to allow Participants to prescreen certain notices (e.g., notices relating to bankruptcies, class actions, default and performance histories of asset-backed securities) which are received by DTC and which DTC chooses to make available to Participants via LENS. LENS will enable Participants to avoid receiving and, ultimately, to avoid paying for the duplication and distribution of notices that are irrelevant to them. At the same time, LENS will allow, where practical, certain enhancements to the current distribution system. Enhancements may include: (1) The identification of CUSIP numbers associated with the issues which are the subject of the notices; (2) Participants' ability to search for notices by CUSIP numbers; (3) Participants' ability to conduct position checks; (4) Participant access, with automatic order capability, to a computer record of notices requested during the prior year; (5) DTC's distribution of certain notices (e.g., notices relating to default and performance histories of asset-backed securities) which, given their length or relative importance, would otherwise not be distributed by DTC; and (6) equitable billing (e.g., a Participant would not be charged any fee for the duplication and distribution of any notices it was not interested in and did not order).

The proposed rule change is consistent with the requirements of section 17A(b)(3)(A) of the Act in that it promotes efficiencies in the clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

DTC has discussed the proposed rule change with and has invited comments from various Participants. Comments related generally to the amount of information to be displayed on the LENS screens, enhancements to the "user-friendly" nature of LENS screens, enhancements to the "user-friendly" nature of LENS computer procedures, the timeliness and integrity of receipt and distribution of notices, and the types of notices that might be included in LENS. Many of the enhancements set forth in paragraph II(A) above have been built into LENS in response to such comments and requests.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the *Federal Register* or within such longer period: (i) As the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which DTC consents, the Commission will:

- (a) By order approve such proposed rule change or
- (b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR-DTC-91-08 and should be submitted by May 28, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-10635 Filed 5-3-91; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

April 30, 1991.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder for

unlisted trading privileges in the following securities:

Caldor Corporation
Common Stock, \$.01 Par Value (File No. 7-7693)
Critical Care America, Inc.
Common Stock, \$.10 Par Value (File No. 7-7694)
Sport Supply Group, Inc.
Common Stock, \$.01 Par Value (File No. 7-7695)
National Health Laboratories Incorporated
Common Stock, \$.01 Par Value (File No. 7-7696)
Bankcorp Hawaii, Inc.
Common Stock, \$.20 Par Value (File No. 7-7697)
Unicare Financial Corp.
Common Stock, No Par Value (File No. 7-7698)
Ambase Corporation
Common Stock, \$.01 Par Value (File No. 7-7699)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 21, 1991, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 91-10566 Filed 5-3-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-29132; File No. SR-NASD-91-9]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to Improvements in the NASD Code of Arbitration Procedure

I. Introduction

The National Association of Securities

Dealers, Inc. ("NASD") submitted on February 13, 1991, a proposed rule change pursuant to section 19(b)(1) ¹ of the Securities Exchange Act of 1934 ("Act") and rule 19b-4 ² to amend part III, sections 13(a), 39(a) and 41(e) of the NASD Code of Arbitration Procedure ("the Code") to improve the efficiency of its arbitration process. Notice of the proposed rule change together with the terms of substance of the proposal was provided by the issuance of a Commission release (Securities Exchange Act Release No. 28993 (March 20, 1991)) and by publication in the *Federal Register* 56 FR 12573, (March 26, 1991). The Commission received no comments on the proposed rule change. This order approves the proposed rule change.

II. Proposed Amendments

1. Simplified Arbitration

The NASD has proposed to amend section 13(a) of the Code to eliminate the required customer demand or written consent of the parties to simplified arbitration procedures. It has been the practice of the self-regulatory organizations ("SROs") to apply simplified procedures to cases involving public customers where the amount does not exceed \$10,000, without the need for a customer to request ("customer demand") or for parties to consent in writing. Accordingly, the NASD is amending the Code to reflect that reality.

The practice of applying simplified arbitration procedures to such cases is designed to decrease the cost of arbitration and delays in the administration of cases, while providing the opportunity for parties to have their cases heard by a public arbitrator knowledgeable in the securities industry. Moreover, the practice of applying simplified arbitration procedures has proven to be an efficient means of conserving the arbitral resources of SROs.

2. Party Service of Amended Pleadings

The proposed amendment to section 39(a) of the Code would require parties to serve copies of amended pleadings on all other parties and to provide the Director of Arbitration with additional copies for each arbitrator. This change conforms to the provisions of section 25(b) of the Code, which require party service of all pleadings subsequent to

service of the statement of claim. Similarly, this proposed amendment, as does the above stated proposal, conforms to current practice.

This amendment to section 39(a) of the Code addresses the NASD's concern that the increasing number of cases using the arbitration department as an intermediary for the service of amended pleadings would result in unnecessary delays in processing cases and add to the cost of operating the arbitration system. Consequently, the proposed rule change would amend the code so as to require parties to serve amended pleadings, rather than the Director of Arbitration, and thereby save administrative time and cost, while continuing to ensure that the respondents receive adequate notice of all arbitration pleadings.

3. Contents of Award

Finally, the proposed rule change would amend section 41(e) of the Code to require that the name of counsel, if any, and the type of security or product in controversy be included in all arbitration awards. The NASD believes the inclusion of such information will give the public a better general understanding of the award. Moreover, the NASD believes that the addition of these items would facilitate the exchange of information about arbitration proceedings and about the outcome of proceedings involving particular securities or products.

III. Conclusion

The Commission believes the proposed amendments to the Code are consistent with and further the goals of recent modifications recommended by the Securities Industry Conference on Arbitration ("SICA") ³ in response to Commission reviews of securities industry sponsored arbitration. These previous modifications were recommended to improve the fairness and efficiency of industry administered arbitration systems and subsequently adopted by SROs through conforming rule changes. The rule changes proposed herein promote the Commission's endeavors to ensure that industry sponsored arbitration system are both equitable and efficient in their administration. Furthermore, the

³ See Securities Exchange Act Release No. 26605, (May 10, 1989) 54 FR 21144 (May 18, 1989) approving proposed rule changes by the New York Stock Exchange, Inc., National Association of Securities Dealers, Inc., and the American Stock Exchange, Inc. relating to the arbitration process and the use of predispute arbitration clauses.

Commission is of the opinion that the proposed rule change is indicative of an ongoing effort by the NASD to review issues that arise in the administration of its system and to periodically implement appropriate amendments for improving the system.

Because these amendments will aid in providing timely and just resolutions of disputes between investors and broker-dealers and facilitate the arbitration process in the public interest, the Commission finds that the proposed rule change is consistent with the requirements of the Act, specifically section 15A(b)(6), which requires that the rules of a registered securities association be designed to prevent fraudulent and manipulative practices, promote just and equitable principles of trade, provide for an equitable allocation of fees, and, in general, protect investors and the public.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: April 26, 1991.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 91-10634 Filed 5-3-91; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Incorporated

April 30, 1991.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Amsco International, Inc.
Common Stock, \$.01 Par Value (File No. 7-6783)
Beazer Plc
American Depositary Receipts (File No. 7-6784)
Convex Computer Corporation
Common Stock, \$.01 Par Value (File No. 7-6785)
Destec Energy, Inc.
Common Stock, \$.01 Par Value (File No. 7-6786)
Flightsafety International, Inc.

¹ 15 U.S.C. 78s(b)(1) (1988).

² 17 CFR 240.19b-4 (1989).

Common Stock, \$.10 Par Value (File No. 7-6787)
 Foundation Health Corp.
 Common Stock, \$.01 Par Value (File No. 7-6788)
 Iowa Illinois Gas & Electric Co.
 Common Stock, \$1.00 Par Value (File No. 7-6789)
 Critical Care America, Inc.
 Common Stock, \$.10 Par Value (File No. 7-6790)
 Hasbro, Inc.
 Warrants (File No. 7-6791)
 Go-Video, Inc.
 Common Stock, \$.001 Par Value (File No. 7-6792)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 21, 1991, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 91-10507 Filed 5-3-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-29142; File No. SR-OCC-91-7]

Self-Regulatory Organization; The Options Clearing Corporation; Notice of Proposed Rule Change Relating to Establishing a Cross-Margin Program with The Board of Trade Clearing Corporation

April 30, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934,¹ notice is hereby given that on April 11, 1991, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-

regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would establish a cross-margining program with the Board of Trade Clearing Corporation ("BOTCC").

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. General

The purpose of this rule change is to establish a cross-margining program between OCC and BOTCC which parallels the proposed expanded program between OCC and the Chicago Mercantile Exchange ("CME").

In File No. SR-OCC-90-1, OCC proposed to expand its existing proprietary cross-margining program with the CME to include nonproprietary accounts carried by Clearing Members of OCC and CME on behalf of market professionals.² That filing detailed not only the operation of the expanded OCC-CME cross-margining program, but also discussed certain technical legal considerations relating to non-proprietary cross-margining that are absent from proprietary cross-margining. Those considerations relate to regulations adopted by the Commodity Futures Trading Commission ("CFTC") under the Commodity Exchange Act concerning the segregation of customer funds and to provisions of the federal bankruptcy code and other laws governing the distribution of customer property in the event of the liquidation of securities broker or futures commission merchant.

Because the OCC-BOTCC program is virtually identical to that proposed by OCC and CME, this filing only will discuss the few minor differences between the two programs. OCC accordingly incorporates by reference the description of the operation of the OCC-CME cross-margining program and the description of the legal considerations set forth in File No. SR-OCC-90-1. Finally, OCC requests that the Commission accelerate the effectiveness of this rule change to the extent necessary so that it is approved no later than the date of the Commission's approval of File No. SR-OCC-90-1.

2. OCC-BOTCC Cross-Margining Program

The Cross-Margining Agreement (the "Agreement") between OCC and BOTCC is attached to the filing as an Addendum and includes the following exhibits:

- Exhibit A: List of Eligible Contracts;
- Exhibit B: Proprietary Cross-Margin Account Agreement and Security Agreement (Joint Clearing Member);
- Exhibit C: Proprietary Cross-Margin Account Agreement and Security Agreement (Affiliated Clearing Members);
- Exhibit D: Non-Proprietary Cross-Margin Account Agreement and Security Agreement (Joint Clearing Member); and its corresponding Appendix II;
- Exhibit E: Non-Proprietary Cross-Margin Account Agreement and Security Agreement (Affiliated Clearing Members) and its corresponding Appendix II; and
- Exhibit F: Cross-Margin System Super-Margins.

BOTCC acts as the clearing organization for futures contracts and options on futures contracts for which the Board of Trade for the City of Chicago ("CBOT") or any of its affiliated exchanges has been designated by the CFTC as a contract market. The Agreement provides for the cross-margining of proprietary accounts and non-proprietary accounts of market professionals. The Agreement will permit the cross-margining of certain index future and index option products cleared by BOTCC and OCC, respectively. Specifically, the eligible contracts include BOTCC-cleared futures on the Major Market Index and OCC-cleared put and call options on the Major Market Index and Institutional Index, the S&P 100 Index and S&P 500 Index, the NYSE Composite Index, the

¹ 15 U.S.C. 78s(b)(1).

² See Securities Exchange Act Release No. 27717 (February 2, 1990) 55 FR 7398.

Financial News Composite Index and the Institutional Index.

Except for several minor differences in terms and in language, the terms of the Agreement, including the Exhibits, between OCC and BOTCC are the same as the terms of the Amended and Restated Cross-Margining Agreement ("OCC-CME Amended Agreement"), including the Exhibits thereto. These minor differences are described below.

Consistent with the present requirements of the CFTC, the OCC-BOTCC Agreement will not permit clearing members to designate either the paired proprietary cross-margin accounts or the paired non-proprietary cross-margin accounts, or both, as cross-margin pledge accounts as contemplated in section 3 of the OCC-CME Amended Agreement. Section 3, therefore is intentionally left blank and other references to cross-margin pledge accounts are omitted from the OCC-BOTCC Agreement. This is in accordance with the September 5, 1989 correspondence of Don L. Horwitz, General Counsel, OCC, to Jonathan Kallman, Assistant Director, Commission in respect of the proprietary cross-margining program between OCC and CME.³ Section 9 of the Agreement generally requires OCC and BOTCC to maintain, except as otherwise provided for therein, the confidentiality of all information obtained in connection with the Agreement. The Agreement provides that OCC and BOTCC have the obligation to notify each other of a request for confidential information. Each clearing organization is obligated to cooperate to a reasonable extent with the other in the event the other determined to seek a protective order against disclosing confidential information. These additional obligations are not included in the OCC-CME Amendment Agreement.

Section 14 of the Agreement reflects the information sharing arrangements between OCC and BOTCC. It specifically provides that each clearing organization must notify the other in the event that such clearing organization receives information which causes it significant concerns over the financial or operation capabilities of a clearing member. In contrast, the OCC-CME Amended Agreement provides that CME will advise OCC is one of its Clearing Members is on its "High Risk List." BOTCC has informed OCC that it does not maintain any equivalent listing.

Finally, appendix II to exhibits D and E, respectively, has been slightly revised to clarify the subordination

arrangement.⁴ These same amendments will be included later in the appendix II to exhibits D and E for the OCC-CME expanded cross-margining program.

The proposed rule change is consistent with the purposes and requirements of section 17A of the Securities Exchange Act of 1934, as amended because it expands the implementation of cross-margining to another significant group of market participants, further enhancing the safety of the clearing system while providing lower clearing margin costs to participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to such period that the self-regulatory organization consents, the Commission will:

- (A) By order approve such proposed rule change, or
- (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that

may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to file number SR-OCC-91-07 and should be submitted by May 28, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-10633 Filed 5-3-91; 8:45 am]

BILLING CODE 8010-01-M

[Investment Company Act Rel. No. 18188; International Series Rel. No. 263; 812-7715]

Baillie Gifford International Fund, Inc.; Application

Dated: April 26, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("Act").

APPLICANT: Baillie Gifford International Fund, Inc.

RELEVANT ACT SECTIONS: Exemption requested under section 6(c) from the provisions of section 12(d)(3) and rule 12d3-1.

SUMMARY OF APPLICATION: Applicant seeks a conditional order permitting it to purchase the securities of foreign issuers that, in each of their most recent fiscal years, derived more than 15% of their gross revenues from their activities as a broker, dealer, underwriter, or investment adviser, in accordance with the conditions of the proposed amendments to rule 12d3-1.

FILING DATE: The application was filed on April 22, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 23, 1991, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may

³ See Securities Exchange Act Release No. 27296 (September 26, 1989) 54 FR 41195.

⁴ The revisions were made as result of discussions between the CME and CFTC.

request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, c/o The Guardian Insurance & Annuity Company, Inc., 201 Park Avenue South, New York, New York 10003.

FOR FURTHER INFORMATION CONTACT: Robert B. Carroll, staff Attorney, at (202) 272-3043, or Jeremy N. Rubenstein, Branch Chief, at (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company registered under the Act and is organized as a series investment company. Applicant seeks relief with respect to its one current series and any additional series that applicant may create in the future.

2. Guardian Baillie Gifford Limited, a corporation organized under the laws of Scotland and a registered investment adviser under the Investment Advisers Act of 1940, serves as the investment manager of applicant.

3. Applicant seeks to invest in foreign issuers that, in each of their most recent fiscal years, derived more than 15% of their gross revenues from their activities as a broker, dealer, underwriter, or investment adviser ("Foreign 15% Issuers").

4. Applicant seeks relief from section 12(d)(3) of the Act and rule 12d3-1 thereunder to invest in securities of Foreign 15% Issuers to the extent permitted in the proposed amendments to rule 12d3-1. See Investment Company Act Release No. 17096 (Aug. 3, 1989), 54 FR 33027 (Aug. 11, 1989). Applicant's proposed acquisitions of securities issued by Foreign 15% Issuers will satisfy each of the requirements of proposed amended rule 12d3-1.

Applicant's Legal Conclusions

1. Section 12(d)(3) of the Act prohibits an investment company from acquiring any security issued by any person who is a broker, dealer, underwriter, or investment adviser. Rule 12d3-1 under the Act provides an exemption from section 12(d)(3) for investment companies acquiring securities of an issuer that derived more than 15% of its gross revenues in its most recent fiscal year from securities-related activities, provided the acquisitions satisfy certain

conditions set forth in the rule. Subparagraph (b)(4) of rule 12d3-1 provides that "any equity security of the issuer * * * [must be] a 'margin security' as defined in Regulation T promulgated by the Board of Governors of the Federal Reserve System." This requirement prevents applicant from investing in equity securities of a Foreign 15% Issuer that are comparable in quality to "margin securities," but which do not fall within the definition of "margin securities" under Regulation T because they are not registered in the United States, are not traded in U.S. over-the-counter markets, and are not included in the list of Foreign Margin Stocks published by the Federal Reserve Board.¹ Accordingly, applicant seeks an exemption from the "margin security" requirements of current rule 12d3-1.

2. Proposed amended rule 12d3-1 provides that the "margin security" requirement would be excused if the acquiring company purchases the equity securities of Foreign 15% Issuers that meet qualitative criteria comparable to criteria applicable to equity securities of United States securities-related businesses. The criteria, as set forth in the proposed amendments, "are based particularly on the policies that underlie the requirements for inclusion on the list of over-the-counter margin stocks." Investment Company Act Release No. 17096 (Aug. 3, 1989), 54 FR 33027 (Aug. 11, 1989).

Applicant's Condition

The requested relief shall be subject to the following condition:

Applicant will comply with the proposed amendments to rule 12d3-1 (Investment Company Act Release No. 17096 (Aug. 3, 1989), 54 FR 33027 (Aug. 11, 1989), as they are currently proposed, or as they may be repropounded, adopted, or amended.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-10639 Filed 5-3-91; 8:45 am]

BILLING CODE 8010-01-M

¹ The staff of the Division of Investment Management notes that the Board of Governors of the Federal Reserve System recently amended Regulation T to include "foreign margin stock[s]." However, because the requirements for inclusion on the Board's "List of Foreign Margin Stocks" are generally more restrictive than the requirements for a "margin security" traded in United States markets, securities issued by many foreign securities firms are not included in the definition of "foreign margin stocks" under Regulation T. See 12 CFR § 220.2(i) and (q)(6).

[Rel. No. IC-18117; File No. 812-7718]

Monarch Life Insurance Co. et al.; Application

April 26, 1991.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for order under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: Monarch Life Insurance Company ("Monarch Life"), First Variable Life Insurance Company ("First Variable"), Variable Account A of Monarch Life Insurance Company ("Variable Account A"), Variable Account B of Monarch Life Insurance Company ("Variable Account B"), Variable Account A1 of Monarch Life Insurance Company ("Variable Account A1"), Variable Account B1 of Monarch Life Insurance Company ("Variable Account B1"), The Fidelity Variable Account of Monarch Life Insurance Company ("Fidelity Account"), Separate Account VA-1 of Monarch Life Insurance Company ("Separate Account VA-1"), Separate Account VA of Monarch Life Insurance Company ("Separate Account VA"), First Variable Life Insurance Company Fund E ("Fund E") (together, the "Separate Accounts"), and Monarch Financial Services, Inc. ("MFSI") (collectively, the "Original Applicants"), and Monarch Services, Inc. ("MSI") (together with the Original Applicants, the "Applicants").

RELEVANT 1940 ACT SECTIONS: Order requested pursuant to section 6(c) of the 1940 Act amending existing orders of exemption under sections 2(a)(32), 2(a)(35), 12(d)(1), 22(c), 26(a)(2), 27(a)(1), 27(a)(3), 27(c)(1), 27(c)(2), 27(d), 27(f), and 27(h)(3) of the 1940 Act and rules 6e-2 and 22c-1 thereunder.

SUMMARY OF APPLICATION: Applicants seek an order amending certain prior orders (the "Existing Orders") obtained by the Original Applicants to add MSI as a party to the exemptive relief previously granted in each Existing Order and to specify that MSI acts as a principal underwriter with respect to the variable life insurance policies and variable annuity contracts (collectively, "Variable Policies") described in the Existing Orders.

FILING DATE: The application was filed on April 23, 1991.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered the application will be granted. Any interested person may request a hearing on the application or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 pm on May 21, 1991.

Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send a copy to the Secretary of the SEC, along with proof of service by affidavit or, in the case of an attorney-at-law, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, Monarch Life Insurance Company and First Variable Life Insurance Company, One Monarch Place, Springfield, Massachusetts 01133.

FOR FURTHER INFORMATION CONTACT: Michael V. Wible, Attorney, (202) 272-2026, or Nancy M. Rappa, Senior Attorney, (202) 272-2060, Office of Insurance Products and Legal Compliance (Division of Investment Management).

SUPPLEMENTARY INFORMATION:

Following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. Monarch Life is a stock life insurance company organized under the laws of the Commonwealth of Massachusetts. Variable Account A, Variable Account B, Variable Account A1, Variable Account B1, the Fidelity Account, Separate Account VA-1, and Separate Account VA are each separate accounts of Monarch Life. First Variable is a stock life insurance company organized under the laws of the State of Arkansas. Fund E is a separate account of First Variable.

2. MFSI, formerly known as Monarch Resources, Inc., is a broker-dealer registered under the Securities Exchange Act of 1934 (the "1934 Act") and is a member of the National Association of Securities Dealers, Inc. (the "NASD"). MFSI has acted as principal underwriter of the Variable Policies. MSI is a broker-dealer registered under the 1934 Act, and is also a member of the NASD. Currently, MFSI and MSI are parties to a sales agreement through which applications for the Variable Policies may be solicited by registered representatives of MSI.

3. In connection with the issuance and distribution of the Variable Policies, Original Applicants obtained various exemptive orders (i.e., the Existing Orders) with respect to, among other things: (i) The deduction of specified charges under certain of the Variable Policies; (ii) the treatment of certain of

the Variable Policies as "variable life insurance contracts" under rule 6e-2 under the 1940 Act; (iii) the issuance through the same separate account of scheduled premium variable life insurance contracts and flexible premium life insurance contracts; (iv) the acquisition of units of certain unit investment trusts ("Zero Trust Units"); and (v) the recovery from certain Separate Accounts of certain costs of acquiring Zero Trust Units. The Existing Orders consist of the following:

a. *File No. 812-7553:* Fund E, First Variable, and MFSI obtained exemptions from sections 26(a)(2) and 27(c)(2) of the 1940 Act with respect to certain flexible purchase payment deferred annuity contracts, single purchase payment immediate annuity contracts, and single purchase payment deferred annuity contracts. The relief permitted the deduction of mortality and expense risk charges from the assets of Fund E. (Release Nos. IC-17630 (July 31, 1990) (notice) and IC-17711 (Aug. 29, 1990) (order)).

b. *File No. 812-7453:* Separate Account VA, Monarch Life and MFSI obtained exemptions from sections 26(a)(2) and 27(c)(2) of the 1940 Act with respect to certain flexible purchase payment deferred annuity contracts and single purchase payment immediate annuity contracts. The relief permitted the deduction of mortality and expense risk charges from the assets of Separate Account VA. (Release Nos. IC-17349 (Feb. 21, 1990) (notice) and IC-17393 (Mar. 21, 1990) (order)).

c. *File No. 812-7471:* Separate Account VA-1, Monarch Life, and MFSI obtained exemptions from sections 26(a)(2) and 27(c)(2) of the 1940 Act with respect to certain flexible purchase payment deferred annuity contracts and single purchase payment immediate annuity contracts. The relief permitted the deduction of mortality and expense risk charges from the assets of Separate Account VA-1. (Release Nos. IC-17343 (Feb. 16, 1990) (notice) and IC-17381 (Mar. 15, 1990) (order)).

d. *File No. 812-6915:* Separate Account VA, Monarch Life, First Variable Annuity Fund BE, First Variable, and Variable Annuity Sales Corporation ("VASCO") (to which MFSI succeeded pursuant to a statutory merger) obtained exemptions from sections 26(a)(2) and 27(c)(2) of the 1940 Act with respect to certain flexible purchase payment deferred annuity contracts and single purchase payment immediate annuity contracts. The relief permitted the deduction of mortality and administrative expense risk charges from the assets of Separate Account VA and First Variable Annuity Fund BE.

(Release Nos. IC-16521 (Aug. 11, 1988) (notice) and IC-16556 (Sept. 8, 1988) (order)).

e. *File No. 812-6684:* Variable Account A, Monarch Life, and Monarch Resources, Inc. obtained exemptions from sections 2(a)(32), 2(a)(35), 22(c), 26(a)(2), 27(a)(1), 27(a)(3), 27(c)(1), 27(c)(2), 27(d), 27(f) and 27(h)(3) of the 1940 Act and Rules 6e-2 and 22c-1 thereunder with respect to certain scheduled premium variable life insurance contracts. The relief permitted the contracts to include features such as (i) The right of the insured to pay unscheduled premiums under the contracts; (ii) the deduction of a sales load chargeable to first year scheduled premiums and unscheduled premiums in the nature of a "deferred sales load" and the deduction of a premium tax charge for unscheduled premiums in the nature of a deferred charge; and (iii) the deduction from the investment base of the contracts for cost of insurance and the deduction from the assets of Separate Accounts for the guaranteed benefits risk charge. (Release Nos. IC-16179 (Dec. 17, 1987) (notice) and IC-16219 (Jan. 12, 1988) (order)).

f. *File No. 812-6606:* Fund E and First Variable obtained exemptions from sections 26(a)(2) and 27(c)(2) of the 1940 Act with respect to certain flexible purchase payment deferred annuity contracts and single purchase payment immediate annuity contracts.¹ The relief permitted the deduction of mortality and expense risk charges from the assets of Fund E. (Release Nos. IC-15644 (Mar. 26, 1987) (notice) and IC-15701 (Apr. 24, 1987) (order)).

g. *File No. 812-6406:* Variable Account A1, Variable Account B1, the Fidelity Account, Monarch Life, and Monarch Resources, Inc. obtained exemptions from sections 2(a)(32), 2(a)(35), 22(c), 26(a)(2), 27(a)(1), 27(c)(1), 27(c)(2), 27(d), and 27(f) of the 1940 Act, and rules 6e-2 and 22c-1 thereunder, with respect to certain single premium variable life insurance contracts. The relief permitted (i) The deduction of a surrender charge under a contingent deferred sales load structure; (ii) deductions from each contract's investment base for cost of insurance, first year administrative, and state premium tax charges; (iii) deductions from the assets of Separate Accounts identified in the application as amended for minimum death benefit risk charges; and (iv) partial withdrawal

¹ The application incorrectly stated that these contracts are "deferred" annuity contracts. Applicants represent that, during the Notice Period, the application will be amended to correctly define the contracts as "immediate" rather than "deferred" annuity contracts.

rights (and certain other features) that affect the duration of the contracts', minimum death benefit guarantee. (Release Nos. IC-15443 (Nov. 28, 1986) (notice) and IC-15503 (Dec. 29, 1986) (order)).

h. *File No. 812-6244*: Variable Account A, Variable Account B, and Monarch Life obtained an order amending Existing Orders (i) and (k) below, and granting exemptions from subsections (a)(2) and (b)(15) of rule 6e-2 under the 1940 Act, with respect to certain flexible premium variable life insurance policies. (Release Nos. IC-14937 (Feb. 13, 1986) (notice) and IC-14978 (Mar. 11, 1986) (order)).

i. *File No. 812-6026*: Variable Account B and Monarch Life obtained exemptions from sections 12(d)(1), 26(a)(2), and 27(c)(2) of the 1940 Act to the extent necessary to permit Variable Account B to acquire Zero Trust Units, and to recover through an asset charge amounts paid by Monarch Life to Oppenheimer Investor Services, Inc. in connection with the acquisition by Variable Account B of Zero Trust Units. (Release Nos. IC-14407 (Mar. 7, 1985) (notice) and IC-14460 (Apr. 9, 1985) (order)).

j. *File No. 812-5926*: Fund E and First Variable obtained exemptions from sections 26(a) and 27(c)(2) of the 1940 Act with respect to certain individual and group variable annuity contracts. The relief permitted the deduction of mortality risk, expense risk, and distribution expense risk charges from the assets of Fund E. (Release Nos. IC-14225 (Nov. 5, 1984) (notice) and IC-14265 (Dec. 3, 1984) (order)).

k. *File No. 812-5724*: Variable Account A and Monarch Life obtained exemptions from sections 12(d)(1), 26(a)(2), and 27(c)(2) of the 1940 Act to the extent necessary to permit Variable Account A to acquire Zero Trust Units, and to recover through an asset charge amounts paid by Monarch Life to Merrill Lynch, Pierce, Fenner & Smith in connection with the acquisition by Variable Account A of Zero Trust Units. (Release Nos. IC-13874 (Apr. 10, 1984) (notice) and IC-13914 (May 1, 1984) (order)).

4. Monarch Capital Corporation ("MCC") is the parent corporation of Monarch Life, MFSI, and MSI. MCC has experienced financial difficulties as a result of which MCC likely will be unable to retain ownership and control of Monarch Life and certain other MCC subsidiaries. In connection with a restructuring plan (the "Plan") being developed by certain creditors of MCC, pursuant to discussions in which Monarch Life and the Massachusetts Insurance Commissioner have also

participated, and subject to approval by the Massachusetts Insurance Commissioner and other insurance regulatory authorities, ownership of Monarch Life would be transferred to such creditors, and ownership of certain MCC subsidiaries with insurance-related operations or the operations themselves would be transferred to Monarch Life. Accordingly, pursuant to the Plan, the insurance activities conducted by certain MCC subsidiaries would be restructured or transferred in order to consolidate insurance operations related to Monarch Life, and to bring such operations under Monarch Life's control. In particular, insurance-related operations of MFSI as well as its principal underwriter functions and obligations for the Variable Policies would be transferred to MSI. As a step toward implementing the Plan, MSI became a direct wholly-owned subsidiary of Monarch Life, effective April 18, 1991. The Applicants intend to transfer MFSI's principal underwriter functions and obligations for the Variable Policies to MSI as soon as the requested relief is obtained. Upon consummation of the Plan, MSI, like Monarch Life, would no longer be owned or controlled by MCC. MFSI would remain a subsidiary of MCC, and after the transfer of ownership of Monarch Life would no longer be affiliated with Monarch Life. In view of the Plan and pending separation of ownership of Monarch Life and MFSI, Monarch Life has determined that it is essential that MSI undertake the role of principal underwriter of the Variable Policies as soon as practicable.

5. Given the pending separation of ownership of Monarch and MFSI and MSI's prospective role as principal underwriter of the Variable Policies, the Applicants seek to extend the exemptive relief under the Existing Orders which is currently applicable to MFSI, as principal underwriter of the Variable Policies, to MSI, which will assume this role as soon as practicable. Applicants therefore request an order of the Commission pursuant to section 6(c) of the 1940 Act: (i) Amending Existing Orders to add MSI as a party to the exemptive relief previously granted in each Existing Order, and (ii) specifying that MSI acts as principal underwriter with respect to the Variable Policies described in the Existing Orders.²

² Applicants represent that, during the Notice Period, the application will be amended to reflect the representations in this paragraph.

Applicants assert that the order requested in the application is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 91-10632 Filed 5-3-91; 8:45 am]

BILLING CODE 8010-01-m

[Release No. 352-25303]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

April 26, 1991.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 20, 1991 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Southwestern Electric Power Company (70-6977)

Southwestern Electric Power Company ("SWEPCO"), 28 Travis Street, Shreveport, Louisiana 71156, an electric public utility subsidiary of Central and South West Corporation ("CSW"), a registered holding company, has filed a post-effective amendment to

its declaration filed under sections 6(a) and 7 of the Act.

By order dated June 8, 1984 (HCAR No. 23325), the Commission authorized SWEPCO to issue, prior to December 31, 1984, up to \$75 million of unsecured notes ("Notes") in one or more transactions evidencing borrowings from commercial banks. Pursuant to the granted authority, SWEPCO borrowed \$50 million from three banks under a term loan agreement dated June 15, 1984 ("Loan Agreement").

SWEPCO now requests authorization through June 30, 1991 to enter into an agreement to amend the Loan Agreement ("Amended Loan Agreement") to: (1) Extend the maturity of the Notes through June 15, 1997; (2) amend the interest rate on the Notes; (3) add provisions to compensate the lenders for their costs of complying with capital adequacy regulations; and (4) add assignment and participation provisions. SWEPCO will not receive any new proceeds as a result of entering into the Amended Loan Agreement and the aggregate principal amount of Notes outstanding will remain at \$50 Million.

The existing Loan Agreement provides for varying interest rates not exceeding 115% of the Prime Rate. SWEPCO expects that the interest rate under the Amended Loan Agreement will be 0.5% above the Fed Funds Rate, as defined, through June 15, 1994, and thereafter will be the Alternate Base Rate, as defined, currently 9%, through June 15, 1997. SWEPCO will pay the Bank of New York an arrangement fee of \$25,000 upon Commission approval of the Amended Loan Agreement.

The aggregate principal amount of Notes to be issued under the Amended Loan Agreement together with all other unsecured indebtedness of SWEPCO will not exceed 20% of the sum of the secured indebtedness of SWEPCO and SWEPCO's capital stock and surplus. The Notes and the Amended Loan Agreement will permit prepayment of principal in whole or in part at any time prior to maturity without penalty. SWEPCO anticipates that the Notes issued under the Amended Loan Agreement will be repaid no later than June 15, 1994.

Allegheny Generating Company et al.
(70-7790)

Allegheny Generating Company ("AGC"), 320 Park Avenue, New York, New York 10022, an electric public-utility subsidiary company of Monongahela Power Company ("Monongahela"), 1310 Fairmont Avenue, Fairmont, West Virginia 26554, The Potomac Edison Company ("Potomac Edison"), Downsview Pike,

Hagerstown, Maryland 21740, and West Penn Power Company ("West Penn"), 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601, each electric public-utility subsidiary companies of Allegheny Power System, Inc., a registered holding company, have filed a declaration under sections 6(a), 7 and 12(b) of the Act and rule 45 thereunder.

AGC proposes to issue promissory notes up to a maximum aggregate principal amount of \$150 million, through June 30, 1993, pursuant to a revolving credit agreement ("Agreement") with a group of nine banks ("Notes"). The Notes will have a maturity date of December 31, 1994. The Agreement provides that the lending banks may extend the maturity date of the Notes for one-year periods. In order to extend the maturity date of the Notes beyond December 31, 1994, AGC must seek further Commission authorization. Each Note shall be payable as to principal and shall bear interest from the effective date of such loan to the termination date.

At the option of AGC, the Notes would bear interest at: (1) The alternate base rate which is the higher of Chemical Bank's floating prime or $\frac{3}{8}$ of 1% per annum over the average weekly three-month certificate of deposit rate adjusted for reserves and insurance; (2) the London Interbank Offer Rate ("LIBOR") plus $\frac{1}{2}$ of 1% per annum from the effective date through December 31, 1994; or (3) the certificate of deposit rate plus $\frac{1}{2}$ of 1% per annum, adjusted for reserves and insurance, until December 31, 1994. In addition, each bank may offer fixed rate loans. The effective interest rate applicable to a fixed rate loan would not exceed prime plus two percentage points per annum. Monongahela, Potomac Edison and West Penn request authorization to guarantee to the banks, severally and not jointly, 27%, 28% and 45%, respectively, the amount AGC borrows pursuant to the Agreement.

The Notes may be prepayable at any time without premium or penalty except that any loss to the banks' reinvestment of the funds which results from prepayment prior to the end of an interest period will be reimbursed by AGC. There will be a commitment fee in the amount of $\frac{3}{8}$ of 1% per annum charged on the average daily unused portion of the credit facility.

The proceeds from the Notes will be used to operate AGC's business as an electric public-utility company and to provide a portion of the financing for its ownership interest in the 2,100 MW Bath County Pumped Storage Project.

General Public Utilities Corporation (70-7848)

General Public Utilities Corporation ("GPU"), 100 Interpace Parkway, Parsippany, New Jersey 07054, a registered holding company, has filed a declaration under sections 6(a), 7 and 12(c) of the Act and rules 46 and 50(a)(5) thereunder.

GPU proposes to effect a two-for-one stock split, by way of a stock dividend, of its shares of common stock by issuing an additional share for each of 62,891,669 shares outstanding or held in GPU's treasury.

In addition, GPU proposes to transfer the sum of \$2.50 for each additional share to be issued, or to be held in GPU's treasury, from its capital surplus account to its capital stock account, so that the par value of each share outstanding or held in GPU's treasury after the split will continue to be \$2.50. At December 31, 1990, GPU had 150,000,000 authorized shares of common stock, par value \$2.50 per share, of which 62,891,669 shares had been issued and 7,503,981 shares previously reacquired were held in its treasury, with the result that 55,387,688 shares were outstanding.

Included in the number of shares outstanding are 13,522 shares of a total 1,000,000 shares initially authorized for the 1990 Stock Plan for Employees of GPU and 3,500 of the initial 20,000 shares initially authorized for the Restricted Stock Option Plan for Outside Directors. The authorized shares for each plan will increase to 1,972,956 and 33,000 shares respectively.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-10568 Filed 5-3-91; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 1385]

United States Organization for the International Telegraph and Telephone Consultative Committee (CCITT) Study Group B Meeting

The Department of State announces that Study Group B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on Tuesday, May 21, 1991, in room 1105 from 8:30 a.m. to 5 p.m., Department of State, 2201 C Street, NW., Washington, DC 20520.

The agenda of the meeting will be as follows:

1. Approve March 19, 1991, meeting minutes.
2. Review results and activities of CCITT Study Group XI Meeting (April 8-26, 1991).
3. Consider contributions.
- CCITT Study Group XVIII (June 10-28, 1991).
- Others appropriate for Study Group B.
4. Review new draft Recommendations I.233 and I.370 and revised draft Recommendations I.324 and I.464 to be approved at Study Group XVIII according to Resolution No. 2 procedures.
5. Consider nominations for U.S. delegation to Study Group XVIII Meeting.
6. Other business.

Members of the general public may attend the meeting and join in the discussions, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting.

Please Note: Persons intending to attend the above meeting must announce this not later than five days before the meeting to the Department of State, 202-647-2592 (fax 202-647-7407). The announcement must include name, social security number, and date of birth. The above includes government and non-government attendees. All attendees must use the C-Street entrance.

Please bring 60 copies of documents to be considered at this meeting. If document has been mailed, bring only 10 copies.

Dated: February 4, 1991.

Earl S. Barbely,

Director, Telecommunications and Information Standards, Chairman, U.S. CCITT National Committee.

[FR Doc. 91-10578 Filed 5-3-91; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice 1384]

U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that the U.S. Organization for the International Radio Consultative Committee (CCIR National Committee) will meet May 24, 1991 at the Department of State, 2201 C Street NW., Washington, DC in room 1408 commencing at 9:30 a.m.

The International Radio Consultative Committee (CCIR) is a permanent organ

of the International Telecommunication Union (ITU), a specialized agency of the United Nations, established by the International Telecommunication Convention. The CCIR studies questions and issues recommendations relating to: (a) The use of the radio-frequency spectrum in terrestrial and space radiocommunications, (b) characteristics and performance of radio systems, (c) operation of radio stations and (d) radiocommunication aspects of distress and safety matters. The purpose of the United States Organization for the International Radio Consultative Committee is to assist and advise the Department of State on matters concerning United States participation in the activities of the CCIR.

The agenda of the meeting will include: (a) discussion of the U.S. CCIR documentation data base, (b) review of the Recommendations in the Report of the ITU High Level Committee and (c) review of preparations for the consolidated meeting of the Ad Hoc Advisory Group on CCIR Strategic Review and Planning and the working Party of the Plenary Assembly on Restructuring of CCIR Study Groups.

Members of the general public may attend the meeting (subject to available seating) and join in the discussions subject to instructions of the Chairman.

Entrance to the Department of State is controlled but can be facilitated by making attendance arrangements in advance. Persons planning to attend the meeting should so advise Ms. Marlou Klemmer, (202) 647-2592, (fax 202 647-7407) no later than five days before the meeting. Notification should include name, date of birth and Social Security number. All attendees must use the C Street entrance.

Dated: April 25, 1991.

Warren G. Richards,

Chairman, U.S. CCIR National Committee.

[FR Doc. 10576 Filed 5-3-91; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Wake-Johnston Counties

AGENCY: Federal Highway Administration (FHWA), DOT.
ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway improvement of US 70 in Wake and Johnston Counties, North Carolina.

FOR FURTHER INFORMATION CONTACT:

Mr. Nicholas L. Graf, P.E., Division Administrator, Federal Highway Administration, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone Number (919) 856-4346.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare an Environmental Impact Statement (EIS) on a proposal to relocate US 70 from I-40 in Wake County to the intersection of existing US 70 and US 70A in Johnston County, a distance of approximately 10 miles. The existing facility is a 4-line divided express way with little access control and at-grade intersections, some with traffic signals. The proposed project will consist of a 4-lane divided freeway on new locations.

The proposed project is needed to serve the rapidly growing traffic demand in the U.S. 70 corridor. It will provide an alternate route to existing U.S. 70 and will relieve some of the congestion currently being experienced on the existing facility.

Alternatives under consideration include:

- (1) "No-Build".
- (2) Improve existing U.S. 70.
- (3) Construct a freeway on new location.

Other means of transportation (mass transit) will also be considered during this study.

The interfacing of the proposed project and the future Southern Wake Expressway (Raleigh Outer Loop) will also be evaluated in the proposed study.

Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State and local agencies. Public meetings, and meetings with local officials, will be held in the project area. A corridor Public Hearing and a Design Public Hearing will also be held. Information on the time and location of the public meetings and public hearings will be provided in the local news media. The Draft EIS will be available for public and agency review and comments at the time of the Corridor Public Hearing. No formal Scoping Meeting is planned at this time.

To ensure that the full range of issues relating to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning

and Construction. The regulation implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Robert L. Lee,

District Engineer, FHWA Raleigh, North Carolina.

[FR Doc. 91-10625 Filed 5-3-91; 8:45 am]

BILLING CODE 4910-22-M

National Motor Carrier Advisory Committee Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FHWA announces that the National Motor Carrier Advisory Committee (NMCAC) will hold its next meeting on May 13-14, 1991, 400 7th Street, SW., room 4200, Washington, DC. The meeting will be from 8 a.m. to 5 p.m. on May 13 and from 8:30 a.m. to 12 p.m. on May 14. The focus of the meeting is on the Reauthorization Legislation, Strategic Highway Research Program, Intelligent Vehicle Highway Systems, Motor Carrier Management Information Systems, driver training, and congestion. The meeting is open to the public.

FOR FURTHER INFORMATION CONTACT:

Mr. Douglas J. McKelvey, Federal Highway Administration, HIA-20, room 3104, 400 Seventh Street, SW., Washington, DC 20590 (202) 366-1861. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except for legal holidays.

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: April 29, 1991.

T.D. Larson,

Administrator.

[FR Doc. 91-10569 Filed 5-3-91; 8:45 am]

BILLING CODE 4910-22-M

Sunshine Act Meetings

Federal Register

Vol. 56, No. 87

Monday, May 6, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, May 15, 1991.

PLACE: 2033 K St., NW., Washington, DC., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91-10770 Filed 5-2-91; 2:12 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:30 a.m., Friday May 17, 1991.

PLACE: 2033 K St., NW., Washington, DC., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Objectives

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91-10771 Filed 5-2-91; 2:12 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Tuesday, May 21, 1991.

PLACE: 2033 K St., NW., Washington, DC., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91-10772 Filed 5-2-91; 2:12 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, May 21, 1991.

PLACE: 2033 K St., NW., Washington, DC., Lower Lobby Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

—Application of the Minneapolis Grain Exchange for contract designation in Options on White Wheat futures
—Program Objectives, 4th Quarter, FY 1991

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91-10773 Filed 5-2-91; 2:12 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:30 a.m., Friday, May 24, 1991.

PLACE: 2033 K St., NW., Washington, DC., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Review

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91-10774 Filed 5-2-91; 2:13 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Thursday, May 30, 1991.

PLACE: 2033 K St., NW., Washington, DC., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91-10775 Filed 5-2-91; 2:13 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:30 a.m., Thursday, May 30, 1991.

PLACE: 2033 K St., NW., Washington, DC., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Rule Enforcement Review

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91-10776 Filed 5-2-91; 2:13 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, May 30, 1991.

PLACE: 2033 K St., NW., Washington, DC., Lower Lobby Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

—Registration of Broker Associations/final rules

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91-10777 Filed 5-2-91; 2:13 pm]

BILLING CODE 6351-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 4:22 p.m. on Tuesday, April 30, 1991, the Corporation's Board of Directors determined, on motion of Director C.C. Hope, Jr. (Appointive), Seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Vice Chairman Andrew C. Hove, Jr., Jonathan Fiechter, acting in the place and stead of Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), and Chairman L. William Seidman, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Compass Bank, Plano, Texas, an insured state nonmember bank, for the Corporation's consent to merge, under its charter and title, with Gleneagles National Bank, Plano, Texas, and Bank of Las Colinas, National Association, Irving, Texas, and for consent to establish the one office of Gleneagles National Bank and the two offices of Bank of Las Colinas, National Association, as branches of the resultant bank.

Matters relating to the Corporation's corporate activities.

The Board further determined, by the same majority vote, that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a depository institution's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 47,690 Gibraltar Savings Association Houston, Texas.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: May 1, 1991.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 91-10706 Filed 5-1-91; 5:09 p.m.]

BILLING CODE 6714-0-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

May 1, 1991

TIME AND DATE: 10:00 a.m., Wednesday, May 8, 1991.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Southern Ohio Coal Company*, Docket No. WEVA 89-278. (Issues include whether the judge erred in finding Southern Ohio violated 30 CFR § 77.404(a), and whether the violation was significant and substantial and the result of unwarrantable failure.

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR § 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen (202) 653-5629/

(202) 708-9300 for TDD Relay, 800-877-8339 for Toll Free.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 91-10758 Filed 5-2-91; 2:09 pm]

BILLING CODE 6735-01-M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of Vote to Close Meeting

At its meeting on April 29, 1991, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for June 3, 1991, in Louisville, Kentucky. The members will consider a proposed filing with the Postal Rate Commission for barcode discounts on flats and parcels.

The meeting is expected to be attended by the following persons: Governors Alvarado, Daniels, del Junco, Griesemer, Hall, Mackie, Nevin, Pace and Setrakian; Postmaster General Frank, Deputy Postmaster General Coughlin, Secretary to the Board Harris, and General Counsel Hughes.

The Board determined that pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, the discussion of this matter is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)], because it is likely to disclose information in connection with proceedings under Chapter 36 of title 39, United States Code (having to do with postal ratemaking, mail classification and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39, United States Code.

The Board determined further that pursuant to section 552b(c)(10) of title 5 United States Code, and section 7.3(j) of title 39, Code of Federal Regulations, this discussion is exempt because it is likely to specifically concern participation of the Postal Service in a civil action or proceeding involving a determination on the record after an opportunity for a hearing. The Board further determined that the public interest does not require that the Board's discussion of the matter be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(3) and (10) of title 5, United States Code; section 410(c)(4) of title 39, United

States Code; and section 7.3 (c) and (j) of title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268-4800.

David F. Harris,

Secretary.

Neva R. Watson,

Alternate Certifying Officer.

[FR Doc. 91-10837 Filed 5-2-91; 3:33 pm]

BILLING CODE 7710-12-M

RESOLUTION TRUST CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:50 p.m. on Tuesday, April 30, 1991, the Board of Directors of the Resolution Trust Corporation met in closed session to consider matters relating to (1) corporate activities, and (2) the resolution of failed thrift institutions.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, Vice Chairman Andrew C. Hove, Jr. and Jonathan L. Fiechter, acting in the place and stead of Director T. Timothy Ryan, Jr. (Director of the Office of Thrift Supervision), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(8), (c)(9)(A)(ii), (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b).

The meeting was held in the Board Room of the Federal Deposit Insurance Corporation Building located at 550-17th Street, NW., Washington, DC

Dated: May 1, 1991.

Resolution Trust Corporation.

John M. Buckley, Jr.,

Executive Secretary.

[FR Doc. 91-10829 Filed 5-2-91; 3:18 pm]

BILLING CODE 6714-01-M

RESOLUTION TRUST CORPORATION

Notice of Agency Meeting; Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that

at 2:35 p.m. on Tuesday, April 30, 1991, the Board of Directors of the Resolution Trust Corporation met in open session.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, Vice Chairman Andrew C. Hove, Jr., and Director T. Timothy Ryan, Jr., that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, the following matter:

Memorandum re: Proposed policy on self-insurance for real estate owned property.

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC

Dated: May 1, 1991.
Resolution Trust Corporation.

John M. Buckley, Jr.,
Executive Secretary.

[FR Doc. 91-10830 Filed 5-2-91; 3:15 pm]

BILLING CODE 6714-01-M

TENNESSEE VALLEY AUTHORITY

(Meeting No. 1439)

TIME AND DATE: 10 a.m. (c.d.t.), May 8, 1991.

PLACE: Land Between The Lakes, Golden Pond Visitor Center, Golden Pond, Kentucky.

STATUS: Open.

AGENDA

Approval of minutes of meeting held on March 27, 1991.

Action Items

New Business

C—Power

C1. Modifications to Economy Surplus Power and Limited Interruptible Power Programs.

E—Real Property Transactions

E1. Sale of Permanent Easement Affecting Approximately 0.7 Acre of TVA's South Morristown Substation in Hamblen County, Tennessee.

E2. Thirty-year Recreation Easement Affecting 6 Acres of Chickamauga Reservoir Land in Hamilton County, Tennessee.

E3. Sale of Permanent Easement Affecting 0.15 Acre of Tellico Reservoir Shoreland in Monroe County, Tennessee.

E4. Sale of Permanent Easement Affecting 16 Acres of Wheeler Reservoir Land in Limestone County, Alabama.

E5. Public Auction Sale Affecting 20 Acres of Eads Mine Property in Jefferson County, Illinois.

F—Unclassified

F1. Filing of Condemnation Cases.
F2. Supplement to Personal Services Contract No. TV-83319V with United Engineers & Constructors Inc.

F3. Supplement to Personal Services Contract No. TV-72370A with Gilbert/Commonwealth, Inc.

F4. Personal Services Contract with Performance Controls Company.

F5. Modification to Contract 70P99-91 with American Commercial Barge Line Company.

Information Items

1. Increase Contract Amount with Systems Engineering Solutions, Inc., for ADPE Support Services for U.S. Army Information Systems Command-Missile Command.

CONTACT PERSON FOR MORE

INFORMATION: Alan Carmichael, Manager, Media Relations, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 479-4412.

Dated: May 1, 1991.

Edward S. Christenbury,
General Counsel and Secretary.

[FR Doc. 91-10734 Filed 5-2-91; 2:10 pm]

BILLING CODE 6120-08-M

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Forest Practice

Monday
May 6, 1991

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Determination of Critical Habitat for the Northern Spotted Owl; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB32

Endangered and Threatened Wildlife and Plants; Proposed Determination of Critical Habitat for the Northern Spotted Owl

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to designate critical habitat for the northern spotted owl (*Strix occidentalis caurina*), a subspecies federally listed as threatened under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act). The northern spotted owl, referred to herein as spotted owl or owl, is a medium-sized owl with dark eyes, dark-to-chestnut brown coloring, whitish spots on the head and neck, and white mottling on the abdomen and breast. The current range of the northern spotted owl extends from southwestern British Columbia through western Washington, western Oregon, and the Coast Ranges area of northwestern California south to San Francisco Bay. Located primarily on Federal land, and to a lesser extent on State and private lands, this proposed critical habitat designation would result in additional protection requirements under section 7 of the Act with regard to activities that require Federal agency action. Section 4 of the Endangered Species Act requires the Service to consider economic costs and benefits prior to making a final decision on the size and scope of critical habitat. The Service solicits data and comments from the public on all aspects of this proposal, including additional data on the economic impacts of the designation and a valuation technique for determining benefits.

DATES: Comments will be accepted until June 5, 1991. The Service intends to publish a revised critical habitat proposal 60 days thereafter and will request public comments for 60 days on the revised proposal. During the initial 30 day comment period, a public hearing will be conducted at each of the following locations: Arcata, California; Olympia, Washington; Springfield, Oregon; and Portland, Oregon. Times, dates, and exact locations of the public meetings will be published in a subsequent Federal Register notice.

ADDRESSES: The complete file for this rule is available for inspection by appointment, during normal business

hours at the U.S. Fish and Wildlife Service, Fish and Wildlife Enhancement, 911 Northeast 11th Street, Portland, Oregon 97232.

FOR FURTHER INFORMATION CONTACT:

Mr. Dale Hall, Assistant Regional Director for Fish and Wildlife Enhancement, at the above address (503/231-6159 or FTS 429-6159).

SUPPLEMENTARY INFORMATION:**Background**

The northern spotted owl (*Strix occidentalis caurina*) is one of three subspecies of spotted owls recognized by the American Ornithologist's Union (1957). Two other subspecies are recognized: the California spotted owl (*S. o. occidentalis*), and the Mexican spotted owl (*S. o. lucida*). Its darker brown color and smaller white spots and markings separate the northern spotted owl from other subspecies. Juvenile plumage is similar to adult plumage except for the tail feathers of the juvenile, which are retained until the bird is about 27 months old, and the downy tips of which become ragged with wear.

The spotted owl is known from most of the major types of coniferous forests in the Pacific Northwest (June 26, 1990, Final Rule (55 FR 26114)). The current range of the northern spotted owl is from southwestern British Columbia, through western Washington, western Oregon, and northern California south to San Francisco Bay where forested habitat still exists. The southeastern boundary of its range, separating this subspecies from the California spotted owl, is the Pit River area of Shasta County, California.

Management practices have resulted in fragmented patches of older forests, separated by a preponderance of very young forests that have yet to develop characteristics used by owls. This management results in an unnaturally skewed distribution of forest structure across the landscape. To provide for conservation of the owl, an adequate distribution of appropriate forest structure is necessary so that as older forest stands are lost (due to logging or natural causes) they are replaced by mature stands within a relatively short period of time. This distribution would allow for the perpetuation of high quality owl habitat for nesting, roosting, and foraging.

Northern spotted owls have been observed over a wide range of elevations, although they seem to avoid higher elevation, subalpine forests (USDA 1988). The range of elevation in which spotted owls occur extends from 70 feet above sea level in the Olympic

Peninsula of Washington to 6,000 feet above sea level in California (55 FR 26114).

Populations are not evenly distributed throughout the owl's present range. The majority of spotted owls are found in the Cascades of Oregon and northwestern California (55 FR 26114). The owl has been extirpated or is uncommon in certain areas (in intermingled ownership lands in southwestern Washington and in northwestern Oregon) due to habitat modification; thus, its distribution is now discontinuous over its range (Dawson *et al.* 1986; Forsman 1986, as cited in 55 FR 26114).

Spotted owls most commonly use Douglas-fir (*Pseudotsuga menziesii*) and mixed-conifer forest types in California, but have also been reported in northwestern California in coastal redwood (*Sequoia sempervirens*), and Bishop pine (*Pinus muricata*) forests, and in stands dominated by ponderosa pine (*Pinus ponderosa*) (55 FR 26114). Preferred habitat for the northern spotted owl, particularly in California, is not continuous, but occurs naturally in a mosaic pattern, especially in the southern portions of the bird's range (55 FR 26114).

The spotted owl is found in forests dominated by Douglas-fir and western hemlock (*Tsuga heterophylla*) in Washington's coastal forest. At higher elevations in western Washington, Pacific silver fir (*Abies amabilis*) is commonly used by owls, whereas on the east side of the Cascades, Douglas-fir and grand fir (*Abies grandis*) are used (Postovit 1977, as cited in 55 FR 26114).

A change in habitat conditions within the owl's range, as one moves southward, is evident as habitat in southern Oregon begins to change to a drier Douglas-fir/mixed conifer habitat with a corresponding change in the predominant prey base; from northern flying squirrels (*Glaucomys sabrinus*) to woodrats (*Neotoma* spp.) (55 FR 26114). Availability of forest types within a region may be responsible for the observed differences in use among types (Gutierrez 1985; Meslow *et al.* 1986, as cited in 55 FR 26114).

Historical logging practices in the mixed conifer zone of southern Oregon and along the east side of the Cascades in Oregon and Washington consisted of more selective timber harvesting than in other areas, leaving remnant patches of old-growth or stands of varying ages with old-growth characteristics. However, the age of a forest is not as important a factor in determining habitat suitability as are vegetational and structural elements. Components of northern spotted owl nesting habitat are:

Moderate to high canopy closure (60 to 80 percent); a multi-layered, multi-species canopy dominated by large (>30 inches diameter-at-breast-height (dbh)) overstory trees; a high incidence of large trees with various deformities (e.g., large cavities, broken tops, mistletoe infections, and other evidence of decadence); numerous large snags; large accumulations of fallen trees and other woody debris on the ground; and sufficient open space below the canopy for owls to fly (Thomas *et al.* 1990). Old-growth or mixed stands of old-growth and mature trees typically require 150 to 200 years to attain these aforementioned attributes (Thomas *et al.* 1990). Breeding sites used by spotted owls have been observed throughout the range of the owl where the components of suitable spotted owl habitat are present in relatively young forests (60 or more years of age) (Thomas *et al.* 1990). Attributes of breeding and roosting habitat are sometimes found in younger forests, especially those with significant remnants of earlier stands that were influenced by fire, wind storms, inefficient logging operations, or highgrading (removal of the most economically valuable trees). However, nearly all nest and major roost sites are located in the portions of these stands containing the oldest components (Thomas *et al.* 1990).

At several sites in California, Pious (1989, as cited in 55 FR 26114) observed spotted owls nesting in coastal redwood stands that had acquired suitable habitat conditions in as little as 40–60 years. Redwood-dominated forest stands in coastal northern California, which comprise about 7 percent of the owl's overall range, are believed to develop suitable habitat characteristics more rapidly than other types because of unique conditions: A fast growing, stump-sprouting species, good soil conditions, high precipitation levels, coastal fog, a long growing season, an understory of other conifers and hardwoods, and an abundant prey base (Thomas *et al.* 1990).

Age classes of coniferous forest within the range of the owl are defined as follows: young-growth forest is generally defined as less than 100 years of age, mature forest as stands from 100 to 200 years old, and old-growth as forest more than 200 years old. Owl survey data indicate that northern spotted owls are dramatically and disproportionately found in association with older forests (55 FR 26114).

In the Oregon Coast Ranges, Oregon Cascades, Washington Cascades and Olympic Peninsula, and Klamath Province, owls use old forests more than

expected for foraging (i.e., it is a "preferred" habitat) (55 FR 26114). Owls having an array of habitat types within their home ranges select for older forest, use mature forest in relation to its availability, and tend to avoid younger forest or use it in relation to its availability (USDI 1990). Roost sites are also strongly associated with older forests (55 FR 26114).

Paired northern spotted owls have relatively large home ranges and require large tracts of land containing significant acreage of older forest to meet their biological needs (e.g., foraging and breeding) (USDI 1990). Thomas *et al.* (1990) indicated median annual pair home range sizes varied from a high of 9,930 acres for the Olympic Peninsula to a low of 2,955 acres for the Oregon Cascades. Actual annual pair home range size varied from 1,035 acres in the Klamath Province to 30,961 acres in the Washington Cascades (USDI 1990).

Spotted owls on the Olympic Peninsula and Oregon Coast Ranges consistently occupy larger home ranges than owls in the other provinces. Forests within the Olympic Peninsula, Oregon Coast Ranges, and the Washington Cascades (west side) provinces are highly fragmented and have the least amount of older forest remaining within the range of the owl. As the quality and quantity of preferred habitat declines, owl home range sizes increase (USDI 1989).

On April 4, 1990, The Interagency Scientific Committee (ISC), established under an agreement among the Service, the U.S. Forest Service (FS), the U.S. Bureau of Land Management (BLM), and the National Park Service, released *A Conservation Strategy for the Northern Spotted Owl* (Plan). This Plan was based on the best biological information on the species available at the time, and was intended to ensure long-term viability for the owl in well-distributed numbers throughout its range while limiting, to the extent possible, adverse effects on human activities. The ISC developed a management strategy that focused on FS and BLM lands. By applying the principles of conservation biology, population modeling, and current spotted owl research data, the ISC developed a scientifically credible conservation strategy which combines a system of Habitat Conservation Areas (HCAs) capable of supporting multiple pairs of spotted owls with a management standard for the remaining forest matrix to provide dispersal between the HCAs (50–11–40 rule). This rule intended to provide for dispersal by requiring that 50 percent of the forest

matrix outside of the large reserve areas (HCAs) be maintained in stands with trees averaging 11 inches or more in dbh and with at least 40 percent canopy closure. Neither part of the plan was designed to stand alone, and the Plan also recommends an adaptive management strategy and further research on the owl's biology and management (Thomas *et al.* 1990).

The ISC plan predicted, in a worst-case scenario, a 50 to 60 percent decline in the spotted owl population. This projected decline was based on the loss of all owl pairs outside of HCAs. The surrounding forest matrix would still offer marginal foraging opportunities for dispersing owls, so that genetic exchange among the HCAs would take place. The ISC plan was prepared before the owl was listed and did not explicitly address "recovery," "critical habitat," or any other aspect of the Endangered Species Act.

On August 6, 1990, the BLM released its management plan entitled *Northern Spotted Owl: The Jamison Plan Detailed Management Strategy* (Jamison Plan). This plan incorporates parts of the ISC Plan, but emphasizes BLM's requirements under the Federal Land Policy Management Act and the National Environmental Policy Act. The Jamison Plan provides interim guidance prior to the development of Resource Management Plans that are expected to be completed by fiscal year 1993. The Jamison Plan was designed to minimize economic impacts, protect northern spotted owls, and still provide for a maximum number of options during the interim planning period. The Jamison Plan incorporates the HCAs and considers the 50–11–40 rule where possible.

Critical habitat delineates areas that contain resources known to be essential to the conservation of a species. Conservation is defined in the Act to include actions necessary to ensure the recovery of a listed species. A recovery plan has not yet been developed for this species. Nevertheless, as required by the Act, the Service has based its proposal on the presence of constituent elements of habitat believed to be capable of supporting the survival and recovery of the northern spotted owl. The Service believes that this critical habitat proposal will contribute towards the species' recovery.

The proposal includes HCAs as well as other areas that contain habitat elements upon which owls depend and that are similarly in need of special management considerations or protection. The designation of critical habitat, however, does not prescribe any

particular management regime in the areas so designated. Rather, it identifies areas within which interagency consultation under section 7 of the Act will address any potential loss of resources that could appreciably diminish the capability of that habitat to contribute to the survival and recovery of the species. Identification of HCAs is one element of the ISC strategy, which proposes not only a management prescription for the HCAs, but an overall management standard (the 50-11-40 rule) for forests outside the HCAs. Because the HCAs and the areas proposed as critical habitat are defined according to different criteria and serve different purposes, they should not be expected to coincide exactly. Nevertheless, the HCAs include large contiguous blocks of current and potential owl habitat and contain constituent elements essential to the conservation of the owl. Consequently, the Service used the HCA network as a basis for identifying critical habitat.

Previous Federal Actions

On January 28, 1987 and August 4, 1987, the Service received petitions requesting that the northern spotted owl be listed pursuant to the Act. On December 17, 1987, the Service made a finding that listing the northern spotted owl was not warranted at that time. Notice of this finding was published in the *Federal Register* on December 23, 1987 (52 FR 48552).

On May 5, 1988, several environmental organizations filed suit challenging the Service's finding that listing was not warranted. In an order issued on November 17, 1988, the Court concluded that the Service's petition finding was arbitrary and capricious, and ordered the Service to reanalyze the evidence and issue a revised petition finding.

On April 25, 1989, the Service issued a revised finding indicating that listing the northern spotted owl as a threatened species throughout its entire range was warranted.

On June 23, 1989 (54 FR 26666), the Service published a proposal to list the northern spotted owl as a threatened species. After a review of all comments received in response to the proposed rule, the Service published a final rule to list the northern spotted owl as a threatened species on June 26, 1990 (55 FR 26114), and thereby activated the protections applicable to listed species. The Service did not propose to designate critical habitat for the northern spotted owl within the proposed or the final listing rule because the Service found that critical habitat was not determinable at those times. The Service

subsequently proceeded to commence work on a critical habitat proposal.

Plaintiffs filed an additional motion in *Northern Spotted Owl v. Hodel*, seeking to compel the Service to immediately propose critical habitat. On February 26, 1991, the Court ruled that the Service had violated the Act in failing to designate critical habitat concurrently with listing the owl. The Court ordered the Service to propose a rule on critical habitat by April 29, 1991, and to publish a final rule at the earliest possible time permitted under the appropriate regulations.

Biological Considerations of Critical Habitat

Critical habitat, as defined by section 3 of the Act, means: "(I) the specific areas within the geographic area occupied by a species * * * on which are found those physical and biological features (i) essential to the conservation of the species, and (ii) that may require special management considerations or protection; and (II) specific areas outside the geographical area occupied by a species at the time it is listed, upon determination that such areas are essential for the conservation of the species." The term "conservation," as defined in section 3(3) of the Act, means "to use and the use of all methods and procedures necessary to bring a listed species to the point at which protection under the Act is no longer necessary." Thus, the Service generally considers the needs of a species in terms of recovery from endangered or threatened status in its designation of critical habitat. Critical habitat may be proposed for species that are already listed as endangered or threatened.

The Service is required to base critical habitat proposals upon the best scientific data available (50 CFR 424.12). In determining what areas are to be proposed as critical habitat based on biology, the Service considers those physical and biological attributes that are essential to the conservation of the species and that may require special management considerations or protection. Such requirements, as stated in 50 CFR 424.12, include, but are not limited to, the following:

- (1) Space for individual and population growth, and for normal behavior;
- (2) Food, water, or other nutritional or physiological requirements;
- (3) Cover or shelter;
- (4) Sites for breeding, reproduction, rearing of offspring, and generally;
- (5) Habitats that are protected from disturbance or are representative of the historic, geographical, and ecological distributions of a species.

In considering the biological basis for proposing critical habitat, the Service focuses on the primary physical and biological constituent elements that are essential to the conservation of the species, without consideration of land ownership. Primary constituent elements may include, but are not limited to, roost sites, nesting areas, feeding areas, and vegetation types (50 CFR 424.12(b)). The Service is required to list the known primary constituent elements together with a description of any critical habitat that is proposed.

In the case of the northern spotted owl, coniferous and mixed coniferous/hardwood forests within the range of the subspecies that provide for nesting, roosting, and foraging constitute the primary constituent elements of its critical habitat. Such habitat also permits successful movement by owls. Northern spotted owls generally find suitable nesting, roosting, and foraging habitat in forests which exhibit: moderate to high canopy closure; a multi-species, multi-layered canopy dominated by large overstory trees; a high incidence of large trees with deformities; numerous large snags; large accumulations of fallen trees and other woody debris on the ground; and sufficient open space below the canopy for owls to fly (Thomas *et al.* 1990). Large tracts of land containing significant acreage of forest with these structural components are generally required to satisfy the biological needs of spotted owls (e.g., nesting, roosting, and foraging) (55 FR 26114). Marginal foraging and dispersal habitat may be comprised of younger aged (<100 years) forests that provide protection from avian predators and support an adequate prey base.

The extensive range of the spotted owl within Washington, Oregon, and California encompasses over 7 million acres of forested habitat suitable for nesting and an undetermined amount of other forest types that are also of significance to the survival and recovery of the subspecies. Logging and other activities have reduced much of this habitat to small, fragmented, and isolated stands that are not expected to support the few remaining pairs over time.

Numerous attempts have been made in recent years by the BLM and FS to map suitable spotted owl nesting habitat on their lands. However, the FS and BLM used different definitions to identify nesting habitat, and the definitions varied among National Forests and have changed from year to year as more data have been collected on spotted owl occurrences. For

example, the BLM has only mapped habitat greater than 80 years of age while the FS included a wide range of forest types and conditions, from young forests with inclusions of old growth to very old, multi-layered stands. Other attempts have also been made to map habitat. The Audubon Society, using FS and BLM data, produced maps that depict older forest groves greater than 200 acres in size. Although the Wilderness Society has not attempted to map owl habitat, it has published maps that identify remaining old growth habitat in the western forests of Oregon, Washington, and northern California.

The detail and scale of these maps, and the amount of first-hand information available from experts, were highly variable throughout the range of the species. The fragmented distribution of owl habitat also affected the delineation of critical habitat areas. Because of these factors, it was not possible for the Service to identify as critical habitat all areas containing the primary constituent elements listed above. The spotted owl requires relatively large contiguous areas of habitat to meet its life requisites; small, isolated, and highly fragmented stands are less valuable and may not necessarily be essential to the conservation of the species. Small, isolated, or fragmented stands were proposed as critical habitat, however, when they were needed to maintain the integrity of and promote future development of large contiguous habitat areas.

The Service relied substantially upon the ISC strategy for the spotted owl in formulating this proposed designation of critical habitat. This management plan includes management guidelines for the entire forest matrix on Federal lands within the range of the owl and a series of reserves labeled as HCAs. The ISC suggested that the same provisions that apply to BLM and FS lands apply to all other lands as well. Thus, the ISC plan essentially encompasses the entire range of the northern spotted owl; the western portions of California, Oregon, and Washington from north of San Francisco Bay to southern British Columbia, Canada.

In designating critical habitat, the Service does not necessarily delineate the entire range of a species. Often, portions of the range are selected, and these portions may contain areas that are not always occupied by the species. In the case of the northern spotted owl, the Service selected a network of areas within the range of the owl to propose as critical habitat, and used the HCAs identified in the ISC plan as the basis of

its proposed designation of critical habitat. However, due to differences between the HCA network and the regulatory requirements for critical habitat, these two designations do not overlap exactly.

The differences between the identification of HCAs and a designation of critical habitat under the Endangered Species Act should be recognized. Although critical habitat boundaries must be legally described and accurately mapped, the HCA boundaries did not correspond with legally definable boundaries. The Service, in many cases, redrew HCA boundaries in conformance to section lines to allow the boundary to be legally described as critical habitat.

Because HCAs were used as a base for critical habitat, the unsuitable habitat within the HCAs was also included in the proposed critical habitat to facilitate the development of large blocks of habitat. While the HCAs contain significant contiguous blocks of currently suitable owl habitat, they also contain many areas that presently are unsuitable as habitat. The ISC presumed that this habitat would reach its full potential in the future and with protection would become suitable for nesting and foraging within a 100-year management period. The proposed designation of critical habitat outside of the HCAs is based on the presence of habitat that is currently suitable and sometimes contain larger more contiguous blocks of habitat than the original HCAs. Some smaller patches of land that cannot support any of the primary constituent elements were incidentally incorporated into the proposed critical habitat boundaries, primarily because of the difficulty of providing legal descriptions in sufficient detail to exclude them. Where possible (within the requirements imposed by legal descriptions, etc.), sites that cannot support suitable habitat characteristics (e.g., alpine areas, and lava flows) were excluded from the critical habitat designation.

A further difference between the HCA network and the proposed critical habitat is that the HCAs were deliberately structured around 1.9 million acres of existing reserved lands, particularly wilderness areas and National Parks, and in some cases excluded larger, less fragmented blocks of owl habitat. This incorporation of reserved areas was a significant element of the overall ISC strategy. In contrast, the Act requires the Service to focus on areas within the owl's range that contain the biological elements essential to the conservation of the species and

that require special management attention. In fact, the Service has not proposed any wilderness areas or National Parks as critical habitat because the statutory protection afforded wilderness areas obviates the need for special management considerations or protection. The Service does recognize, however the contribution of those wilderness areas to the conservation of the owl even though they are not part of the proposed critical habitat.

In the 1989 Status Review Supplement (USDI 1989), the Service identified areas of concern within checkerboard Federal and non-Federal ownership where habitat linkage within and between physiographic provinces is at risk. The Service proposes to designate critical habitat within those areas of concern because preserving these habitat linkages is essential to the conservation of the owl. The four areas of concern, identified due to potential demographic isolation, occur both between and within physiographic provinces and are caused by habitat fragmentation associated with areas of intermingled (checkerboard) land ownership. The Interstate 90 area of concern, within the Washington Cascades province, and the Santiam Pass area of concern, within the Oregon Cascades, are two areas the Service focuses on because of isolation within provinces. The Interstate 5 area of concern in southern Oregon consists of three inter-provincial linkage areas: The Southern Willamette-North Umpqua and Southern Umpqua-North Rogue, which link the Coast Ranges and Cascades provinces, and South Ashland, which links the Klamath province with the Cascades. The Columbia Gorge is an inter-provincial area of concern due to the extensive non-forested zone between the Oregon and Washington Cascades provinces. Habitat conditions that allow owls to move successfully across these areas of concern cannot be assured given existing land management practices and habitat conditions in areas of intermingled ownership. The need to provide linkages across these areas of concern on both public and private lands will become increasingly more important if habitat conditions continue to decline elsewhere. Critical habitat designation within areas of concern is intended to help maintain these essential linkages by promoting habitat conditions suitable for owl passage.

Owls must be able to move through these areas of concern to provide for genetic exchange between subpopulations, to recolonize formerly-occupied portions of the subspecies range, and for juvenile owls to disperse

from their natal areas, especially between physiographic provinces. The quality of travel habitat is based on stand density and size, tree size, and percent overstory closure to allow for protection from avian predators during juvenile and adult movement periods. Such habitat also provides marginal foraging opportunities. Because spotted owls tend to disperse in random directions, Thomas *et al.* (1990) concluded it is unlikely that special

dispersal corridors would successfully lead traveling owls from one suitable habitat block to another. Instead, they suggested that the general forest landscape should be maintained in a condition that will allow successful owl movement. Based on their examination of both owl dispersal characteristics and general harvest practices, the ISC developed the "50-11-40" rule. According to the ISC, this configuration provides marginal foraging habitat for

dispersing owls. Owls can move through such younger coniferous forest stands that provide protection from avian predators and offer marginal foraging opportunities.

Proposed Critical Habitat Designation

The Service has identified 190 critical habitat areas totaling 11,638,195 acres in California, Oregon, and Washington. The approximate acreage of proposed critical habitat areas by land ownership and State is shown in Table 1.

TABLE 1. APPROXIMATE ACREAGE OF PROPOSED CRITICAL HABITAT AREAS (CHAs) FOR THE NORTHERN SPOTTED OWL

	Oregon	California	Washington	Total
USFS.....	2,654,791	1,491,175	2,319,070	6,465,036
BLM.....	1,099,685	288,275	320	1,388,280
Tribal ¹	6,970	5,100	62,260	74,330
State.....	164,850	101,155	344,620	610,625
COE ²	3,020	0	0	3,020
Military.....	0	240	78,135	78,375
Private.....	1,169,864	1,374,000	476,665	3,020,529
Total	5,099,180	3,257,945	3,281,070	11,638,195
No. of CHAs.....	66	78	46	190

¹ The Service notes that the proposed rule includes lands subject to Indian sovereignty claims.

² Army Corps of Engineers.

Effects of Critical Habitat Designation

Section 4(b)(8) of the Act requires, for any proposed or final regulation that designates critical habitat, a brief description and evaluation of those activities (public or private) that may adversely modify such habitat or may be affected by such designation. Regulations found at 50 CFR 402.02 define destruction or adverse modification of critical habitat as a direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical.

When evaluating proposed activities within critical habitat through section 7 analyses, the Service would use biological assessments provided by the action agency and focus on the likely effects of a project on the constituent elements (i.e. nesting, roosting and foraging habitat, and habitat that facilitates movement of owls between and within physiographic provinces) contained in a particular area of critical habitat before determining whether a project is likely to destroy or adversely modify critical habitat. These activities may include actions that would reduce the canopy closure of a timber stand; reduce the average dbh of the trees in

the stand; reduce the multi-layered stand structure; reduce the availability of nesting structures and roost sites; reduce the suitability of the landscape to provide for safe movement; or reduce the abundance or availability of prey species.

Proposed Federal actions are evaluated on a case-by-case basis to determine if they would be likely to destroy or adversely modify critical habitat. In order to make that determination, the Service considers the effect of the proposed project on the primary constituent elements in the proposed project location and the reasons why the specific area was designated. An activity cannot cause adverse modification in an area within designated critical habitat that does not contain such elements. Some such areas were incidentally included in the proposed designation to facilitate the process of completing legal descriptions. Furthermore, some activities would not be restricted due to critical habitat designation because they would have no effect on the primary constituent elements. Many of the recreation and "personal use" commodity production activities listed below would very likely fall in that category. Note, however, Federal projects that may not adversely modify critical habitat may still affect spotted owls (e.g., through disturbance) and, therefore, be subject to review

under the jeopardy standard of section 7 of the Act.

Some activities could be considered to be of benefit to spotted owl habitat and, therefore, would not be expected to adversely modify critical habitat. Examples of activities that could benefit critical habitat include some protective measures such as fire suppression or forest-pest eradication, as well as silvicultural treatments that the Service determines would improve spotted owl habitat.

Areas proposed for designation as critical habitat support a number of commercial and noncommercial activities. Commercial activities that may be proposed within critical habitat include timber harvests, other wood fiber utilization (paper, firewood, etc.), Christmas tree farming, livestock grazing, mining, activities associated with oil and gas leases, construction and operation of hydroelectric facilities, geothermal development, construction of alpine ski areas, and various site-specific activities such as scenic tours and cavern exploration. Non-commercial activities are largely associated with recreation and include hiking, camping, fishing, hunting, cross-country skiing, off-highway vehicle use, organized moto-crosses, and various activities associated with nature appreciation. Additional activities include "personal use" commodity production such as firewood gathering,

mushroom and plant gathering, Christmas tree cutting, rock collecting, etc. Activities associated with land management by involved agencies include fire suppression, controlled burning, erosion control, campground construction and maintenance, trail construction and maintenance, road construction and maintenance, military maneuvers, and silvicultural activities such as tree planting, brush control, pre-commercial thinning, and forest pest management (insects, rodents, mistletoe, etc.).

As stated previously, each proposed project would be examined in relation to its site-specific impacts. Thus, projects such as commercial thinning of timber stands and other selective harvest prescriptions may or may not destroy or adversely modify critical habitat, depending on the type of harvest and the pre-project condition of the area in relation to spotted owl habitat needs.

In evaluating projects within critical habitat the Service will focus on the primary constituent elements contained at the specific site and the reasons why that particular area was proposed to be critical habitat. The involved Federal agencies can assist the Service in its evaluation of proposed actions by providing detailed information on the habitat configuration of a project area, habitat conditions of surrounding areas, and information on known locations of spotted owls. The Service would focus on the specific primary constituent element in its evaluation of any proposed action. Thus in an area of concern, where linkage habitat is important, the Service may not consider a proposed harvest to constitute adverse modification if the surrounding forest matrix would still permit movement opportunities for owls. However, a proposed action that would result in further fragmentation or loss of nesting habitat might be considered adverse modification if it appreciably reduced the value of the habitat. To the maximum extent possible, the Service is required under section 7 of the Act to include reasonable and prudent alternatives to any proposed action that would result in adverse modification of critical habitat. By definition, reasonable and prudent alternatives refer to alternative actions identified during section 7 consultation that can be implemented in a manner consistent with the intended purposes of the action consistent with the scope of the Federal agency's legal authority and jurisdiction, and thus would allow the intended purpose of the action to go forward.

The northern spotted owl was listed as threatened primarily because of

widespread habitat loss and fragmentation from logging operations. The main timber harvest prescription that has resulted in this fragmentation has been the clear cut. For the most part, the Service has proposed areas that contain large contiguous blocks of older forest habitat as critical habitat. One purpose of this effort has been to reduce fragmentation. Throughout the range of the owl, nesting pairs are occasionally found in younger forests, although the center of activity is the older remnant patches of forest.

In addition to the larger contiguous blocks of older forest habitat selected by the Service for its proposal of critical habitat, the Service has proposed several areas of linkage habitat within the range of the owl. These linkage sites are in the areas of concern addressed above. These areas can provide marginal foraging opportunities for dispersing owls if they conform to the 50-11-40 rule described by the ISC plan.

Although designating critical habitat for the northern spotted owl will affect primarily activities on Federal lands, there may be significant impacts on private and other non-Federal lands. Over 30 percent of the acreage proposed for critical habitat designation is non-Federally owned. In addition, although critical habitat designation affects Federal agencies directly because of their conservation and consultation responsibilities under section 7 of the Act, private activities requiring Federal permits or funding can also be affected. An example is a right-of-way permit required from the BLM in order to allow timber harvest on an area of private land. Use of existing roads alone does not constitute access. Moreover, there may be State or local requirements that are triggered by the presence of Federally designated critical habitat. An example might be a State requirement for more exacting environmental reviews of proposed activities within critical habitat.

Summary of Economic Analysis

Section 4(b)(2) of the Act requires the Service to designate critical habitat on the basis of the best scientific data available and after consideration of the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. The Secretary may exclude any area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat unless he determines, based on the best scientific and commercial data available, that the failure to designate such area as critical

habitat will result in the extinction of the species concerned.

The Act thus requires the Service to evaluate those economic and other impacts likely to take place due to the designation of critical habitat. Effects attributable to listing of the owl as a threatened species, increasing automation in the timber industry, and reduction in available timber to harvest are not analyzed as effects of the designation of critical habitat. Due to the complex interplay of economic forces involved, this task of examining impacts associated solely with the designation of critical habitat is often difficult.

Following the receipt of additional economic cost and benefit information, the Service will evaluate proposed critical habitat boundaries on a case by case basis. If specific areas are identified where the economic costs are high, the Service will evaluate the biological needs of the northern spotted owl within that particular area. Following this two-staged evaluation, the Service may revise proposed critical habitat boundaries.

For the purposes of its initial economic analysis the Service has used the current economic situation within the timber industry as the baseline for predicting the economic effects that would result from designating critical habitat for the owl. This baseline incorporates the intention of the Forest Service to be not inconsistent with the ISC Plan and the Bureau of Land Management implementation of the Jamison Plan. In assessing the economic impacts from designating critical habitat, the Service attempts to predict the most likely changes in planned land uses, over and above existing land use restrictions. This requires an assessment of current land management strategies with respect to the northern spotted owl. The two major Federal managers involved, the FS and BLM, have indicated their intent to implement most of the ISC strategy. By Federal Register notice (55 FR 40412), the FS stated it would conduct timber harvest activities in a manner to not be inconsistent with the ISC Plan. Although the FS action is the subject of current litigation, as of the date of this notice the FS indicated that it does not plan to cut within the HCAs or to depart from the 50-11-40 rule. The BLM indicated it would protect the HCAs from harvest, and that it intended to implement the 50-11-40 rule as much as possible given current conditions. The BLM likewise has not indicated any intention to depart from these practices. Although these decisions represent policy decisions, and could be changed,

the ISC plan is the most likely planning framework of which the Service is aware for FS and BLM lands. Therefore, for the purposes of its initial economic analysis, the Service has used implementation of the ISC plan as part of the baseline for determining the economic effects of critical habitat over and above existing conditions.

Federal lands are the main areas affected by the proposed designation of critical habitat. State and private lands are directly affected only where Federal involvement occurs (i.e., activities funded, authorized, or carried out by a Federal agency). The Service does recognize, however, the potential indirect effects on non-Federal lands that employ Federal actions as a basis for State or local requirements. The FS and BLM are the primary agencies affected by the proposed critical habitat designation. The Bureau of Indian Affairs, Corps of Engineers, and certain Army installations also oversee lands within the proposed critical habitat. The BLM, FS, Corps of Engineers, Fish and Wildlife Service, and Federal Energy Regulatory Commission have permitting responsibilities that may affect State or private activities.

For purposes of the initial economic analysis, the Service has included several assumptions in its identification of a baseline existing without designation of critical habitat: (1) The FS and BLM would not harvest timber within the HCAs, (2) the 50-11-40 rule would be followed on all FS lands (ISC plan), and (3) the 50-11-40 rule would be followed on 80 percent of BLM lands (Jamison strategy).

Assumptions relating to probable allowable activities within the proposed critical habitat areas include the following: (1) That up to 50 percent of the timber could be removed from areas that are additions to HCAs for the purpose of simplifying the definition of legal boundaries (line additions), (2) that as little as no timber harvesting would be allowed on proposed critical habitat areas that are essential additions to the HCAs, and (3) that proposed critical habitat in areas of concern could be subject to timber harvesting and would conform only to the 50-11-40 rule. We seek public comment on what the expected impacts on the economic baseline will be as a result of critical habitat designation.

The initial economic analysis was conducted using FS and BLM data to estimate some of the economic impacts associated with timber harvest activities administered by those agencies. Those impacts may not reflect all possible impacts on timber harvest on these lands. Many other activities that may

take place within critical habitat may be affected resulting in economic impacts. Impacts on non-timber related Federal agency actions (e.g. energy and mineral exploration and development, tourism and recreational developments, etc.) and impacts of the effects of critical habitat designation on private, tribal, and State lands, related to both timber and nontimber uses, must be evaluated and considered.

The Act requires the Service to consider the benefits of designating critical habitat. The aforementioned estimated annualized costs do not include the substantial benefits which are expected, though unquantified, from the designation of critical habitat for the northern spotted owl. Such benefits include, but are not limited to, watershed protection, Native American heritage values, archaeologic resource protection, non-consumptive uses or recreation, protection of biological diversity, protection of sport and commercial fisheries, and protection of the older forest ecosystem. The techniques used to calculate values for these essentially non-market commodities are in the infancy of development, and rather cumbersome to employ. Studies that have been completed for these non-market commodities have consistently shown that they can be of extremely high value. The research methods used to quantify recreation and other use values require specific data that are not currently available for the areas designated as critical habitat. However, the benefits of designating critical habitat may be substantial.

As a result of the time constraints under which the proposed critical habitat designation was prepared and the magnitude of the issues and area under consideration, the Service's initial economic analysis does not adequately analyze the full range of the economic impacts, both positive and negative, of the proposed designation. To allow for completion of the analysis and the fullest possible public comment on the economic effects of the proposed designation, the Service is requesting public comment concerning several specific economic issues. See discussion under "Public Comments Solicited," below. Based upon public comments submitted by May 31, 1991, and other relevant information, the Service will prepare and publish for further public comment a revised proposed critical habitat designation. The Service will also prepare a complete draft economic analysis and will identify on a proposed basis any areas of proposed critical habitat that may be excluded pursuant to section 4(b)(2) of the Act because the

benefits of exclusion outweigh the benefits of specifying the areas as critical habitat. The Service intends to publish the revised proposed critical habitat designation within 60 days after the initial 30 day comment period closes. The Service will request public comments for 60 days on the revised proposal and will issue a final decision at the earliest possible time thereafter.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices.

Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies with respect to a federally listed species' designated critical habitat and the prohibitions against taking are discussed below.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is listed as endangered or threatened, and with respect to its proposed critical habitat. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act and 50 CFR 402.10 of the regulations, require Federal agencies to confer informally with the Service on any action that is likely to result in destruction or adverse modification of proposed critical habitat. If critical habitat is subsequently designated, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to destroy or adversely modify critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service. In the case of the northern spotted owl, the Service will confer on projects within proposed critical habitat when so requested by the action agency. The Service expects to confer on some projects for which biological opinions on the effects of Federal agency actions on the spotted owl have already been issued. As necessary, the Service will prepare conference reports addressing effects of these actions on proposed critical habitat. The Service will issue combined consultation/conference documents for any requests received

subsequent to publication of the proposed rule.

A number of Federal agencies or departments fund, authorize, or carry out actions on lands that the Service proposes to designate as critical habitat. These agencies are the BLM, the FS, the Bureau of Indian Affairs, Department of Defense, Corps of Engineers, Bureau of Reclamation, Federal Energy Regulatory Commission, and Federal Highway Administration.

When the Service issues an opinion concluding that a project is likely to result in the destruction or adverse modification of critical habitat, the Service also provides reasonable and prudent alternatives to the project, if any are identifiable. Reasonable and prudent alternatives are defined at 50 CFR 402.02 as alternative actions identified during formal consultation that can be implemented in a manner consistent with the intended purpose of the action, that can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that the Director believes would avoid resulting in the destruction or adverse modification of critical habitat. Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

The Service is aware of a number of ongoing section 7 consultations which may be affected by the designation of critical habitat as it is proposed. Table 2 lists, by State, those informal and formal section 7 consultations in progress within the range of the spotted owl.

TABLE 2. FORMAL AND INFORMAL SECTION 7 CONSULTATIONS IN PROGRESS ADDRESSING PROJECTS PROPOSED WITHIN THE RANGE OF THE NORTHERN SPOTTED OWL.

Proposed Project	Location	Agency ¹
OREGON:		
Land Exchange	Siskiyou NF ¹	FS
FY91 Timber Program.	Oregon & Washington.	FS
FY91 Timber Program.	State of Oregon.	BLM
Snowmobile Trail	Deschutes NF	FS
Gopher Baiting	Umpqua NF	FS
Mining Claim	Siskiyou NF	FS
Campground Renovation.	Siskiyou NF	FS
Mill Town Hill Dam	Elkhead	BR
Grande Ronde Reservation Timber Program.	Grande Ronde Indian Reservation.	BIA

TABLE 2. FORMAL AND INFORMAL SECTION 7 CONSULTATIONS IN PROGRESS ADDRESSING PROJECTS PROPOSED WITHIN THE RANGE OF THE NORTHERN SPOTTED OWL.—Continued

Proposed Project	Location	Agency ¹
Hydroelectric Project.	Mt. Hood NF	FS
County Road Widening.	Dorena Reservoir.	COE
Land Exchange	Eugene District.	BLM
Mt. Ashland Ski Area.	Rogue River NF.	FS
Mt. Hood Meadows Expansion.	Mt. Hood NF	FS
Land Exchange	Coos Bay District.	BLM
WASHINGTON:		
Early Winters Resort.	Okanagan NF ..	FS
White Pass Ski Expansion.	Wenatchee NF.	FS
Big Bend Road Project.	Wenatchee NF.	FS
Fort Lewis Timber Program.	Ft. Lewis Military Installation.	DOD
Curly Creek Road Const.	Gifford Pinchot NF.	FS
Deadhorse Creek Hydroelectric Project.	Mt. Baker-Snoqualmie National Forest.	FHWA
Cushman Hydro. Project.	Olympic NF	FERC
Wynoochee Hydro. Project.	Olympic NF	FERC
Pressentin Creek Hydroelectric Project.	Mt. Baker-Snoqualmie National Forest.	FERC
Cumberland Creek Hydroelectric Project.	Mt. Baker-Snoqualmie National Forest.	FERC
O'Toole Creek Hydroelectric Project.	Mt. Baker-Snoqualmie National Forest.	FERC
Windfall Salvage Supplement.	Olympic NF	FS
Southshore Hazard Tree and Personal Use Firewood.	Olympic NF	FS
Pre-commercial Thinning and Aerial Fertilization.	Olympic NF	FS
CALIFORNIA:		
FY91 Timber Program.	N. California	FS

¹ FS=Forest Service, NF=National Forest, BLM=Bureau of Land Management, BR=Bureau of Reclamation, BIA=Bureau of Indian Affairs (Tribal Lands), COE=Corps of Engineers, FERC=Federal Energy Regulatory Commission, FHWA=Federal Highway Administration, DOD=Department of Defense

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, Indian Nations, the scientific

community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) The reasons why any habitat (either proposed critical habitat or additional areas) should or should not be determined to be critical habitat as provided by section 4 of the Act;

(2) Information regarding actions that should be considered necessary to achieve recovery of the northern spotted owl and the conditions that might allow it to be removed from the list of threatened wildlife;

(3) Current or planned activities in the subject area and their possible impacts on proposed critical habitat;

(4) Any foreseeable economic and other impacts resulting from the proposed designation of critical habitat;

(5) Economic values associated with benefits of designating critical habitat for the northern spotted owl. Such benefits include those derived from non-consumptive uses (hiking, camping, bird watching, etc.), and "existence values";

(6) The methodology the Service might use, under section 4(b)(2) of the Act, in determining whether the benefits of excluding an area from critical habitat outweigh the benefits of specifying the area as critical habitat;

(7) Timber harvest activities anticipated on Federal lands, or affected by Federal agencies, other than FS and BLM lands;

(8) The percentage of lands within the proposed critical habitat boundaries that are available for timber harvest;

(9) Non-timber related Federal activities (including federally permitted, authorized, or carried out on State and private lands) and economic costs associated with any alternatives being considered; and

(10) Alternative methods to ensure linkage habitat in the areas of concern, including implementation of the 50-11-40 rule, or other means.

(11) The treatment that should be afforded tribal lands, especially with respect to Indian sovereignty issues.

As stated previously under "Summary of Economic Analysis," comments received during the initial 30 day comment period will be used to prepare a revised critical habitat designation which will be published for further public comment. The eventual final decision on this proposed designation of critical habitat will take into consideration the comments and any additional information received by the Service.

The Service intends to hold public hearings in Olympia, Washington;

Portland, Oregon; Springfield, Oregon; and Arcata, California. Specific dates, locations, and times will be announced in a future **Federal Register** notice.

National Environmental Policy Act

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Regulatory Flexibility Act and Executive Order 12291

The Department of the Interior has determined that designation of critical habitat for this species will not constitute a major rule under Executive Order 12291 and certifies that this designation will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Based on the information discussed in this rule concerning public projects and private activities within critical habitat areas, it is not clear whether that significant economic impacts will result from the critical habitat designation. In addition, there are a limited number of actions on private land that have Federal involvement through funds or permits that would affect or be affected by the critical habitat designation; the potential economic impact of the critical habitat designation on these actions will be evaluated. Also, no direct costs, enforcement costs, information collection, or recordkeeping requirements are imposed on small entities by this designation. Further, the rule contains no recordkeeping requirements as defined by the Paperwork Reduction Act of 1990.

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Authors

The primary authors of this rule are Karla Kramer, U.S. Fish and Wildlife Service, Fish and Wildlife Enhancement (see **ADDRESSES** section); Steve Spangle, U.S. Fish and Wildlife Service, Sacramento Field Station; Mike Tehan, U.S. Fish and Wildlife Service, Olympia Field Station; and Randy Tweten, U.S. Fish and Wildlife Service, Portland Field Station.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

§ 17.11 [Amended]

2. It is proposed to amend § 17.11(h) by revising the "critical habitat" entry for "Owl, northern spotted", under BIRDS, to read 17.95(b).

3. It is proposed to amend § 17.95(b) by adding critical habitat of the northern spotted owl (*Strix occidentalis caurina*), in the same alphabetical order as the species occurs in 17.11(h).

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(b) * * *

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Northern Spotted Owl (*Strix occidentalis caurina*)

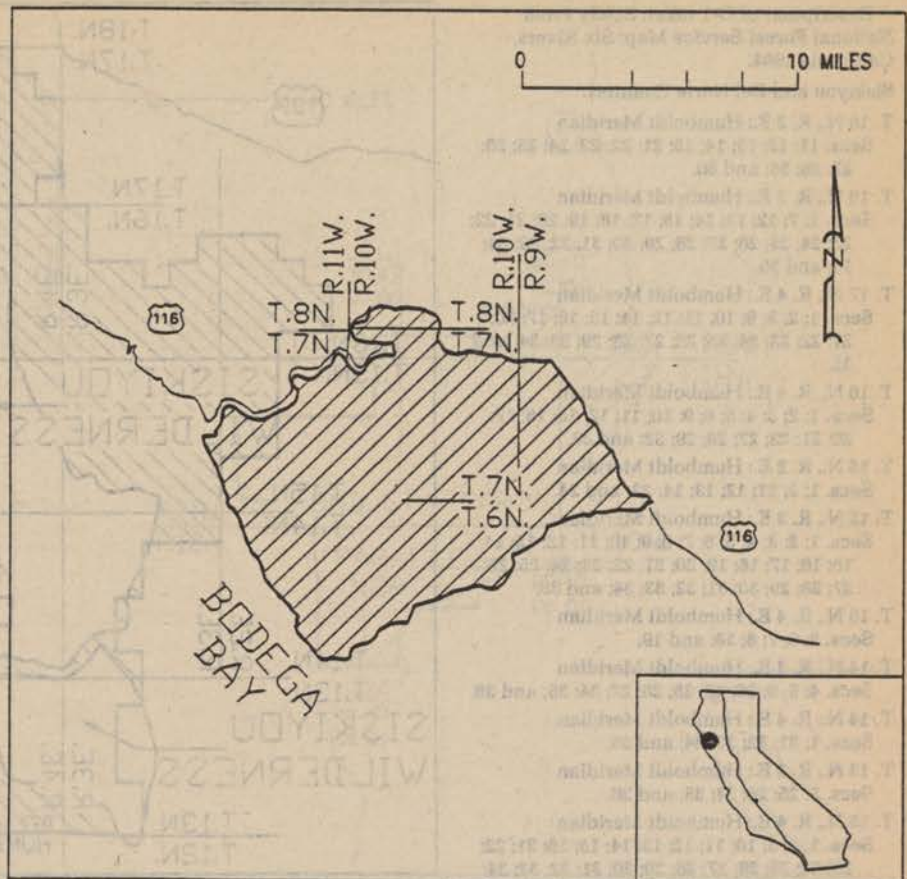
California. Areas of land and water as follows:

Description of BB-1 taken Solely From Bureau of Land Management Maps; Bodega Bay 1982 and Napa 1983, California.

Sonoma County

Beginning at the intersection of Bodega Highway with Highway 116 at Sebastopol, California; thence southwesterly along the Bodega Highway to its intersection with Highway No. 1; thence northwesterly along said Highway No. 1 to the Russian River; thence northwesterly along said Russian River to Highway 116; thence southeasterly along said Highway 116 to the point of beginning.

BILLING CODE 4310-55-M



BB-1

BILLING CODE 4310-55-C

Description of C-1 taken Solely From
National Forest Service Map; Six Rivers,
California 1984.

Siskiyou and Del Norte Counties.

T. 16 N., R. 2 E.: Humboldt Meridian

Secs. 11; 12; 13; 14; 15; 21; 22; 23; 24; 25; 26;
27; 28; 35; and 36.

T. 16 N., R. 3 E.: Humboldt Meridian

Secs. 1; 7; 12; 13; 14; 15; 17; 18; 19; 20; 21; 22;
23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34;
35; and 36.

T. 17 N., R. 4 E.: Humboldt Meridian

Secs. 1; 2; 3; 9; 10; 11; 12; 14; 15; 16; 17; 20;
21; 22; 23; 24; 25; 26; 27; 28; 29; 33; 34; and
35.

T. 16 N., R. 4 E.: Humboldt Meridian

Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 15; 16; 17;
20; 21; 22; 27; 28; 29; 32; and 33.

T. 15 N., R. 2 E.: Humboldt Meridian

Secs. 1; 2; 11; 12; 13; 14; 23; and 24.

T. 15 N., R. 3 E.: Humboldt Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; and 35.

T. 15 N., R. 4 E.: Humboldt Meridian

Secs. 5; 6; 7; 8; 18; and 19.

T. 14 N., R. 3 E.: Humboldt Meridian

Secs. 4; 5; 6; 10; 15; 25; 26; 27; 34; 35; and 36.

T. 14 N., R. 4 E.: Humboldt Meridian

Secs. 1; 31; 32; 33; 34; and 35.

T. 13 N., R. 3 E.: Humboldt Meridian

Secs. 3; 25; 26; 34; 35; and 36.

T. 13 N., R. 4 E.: Humboldt Meridian

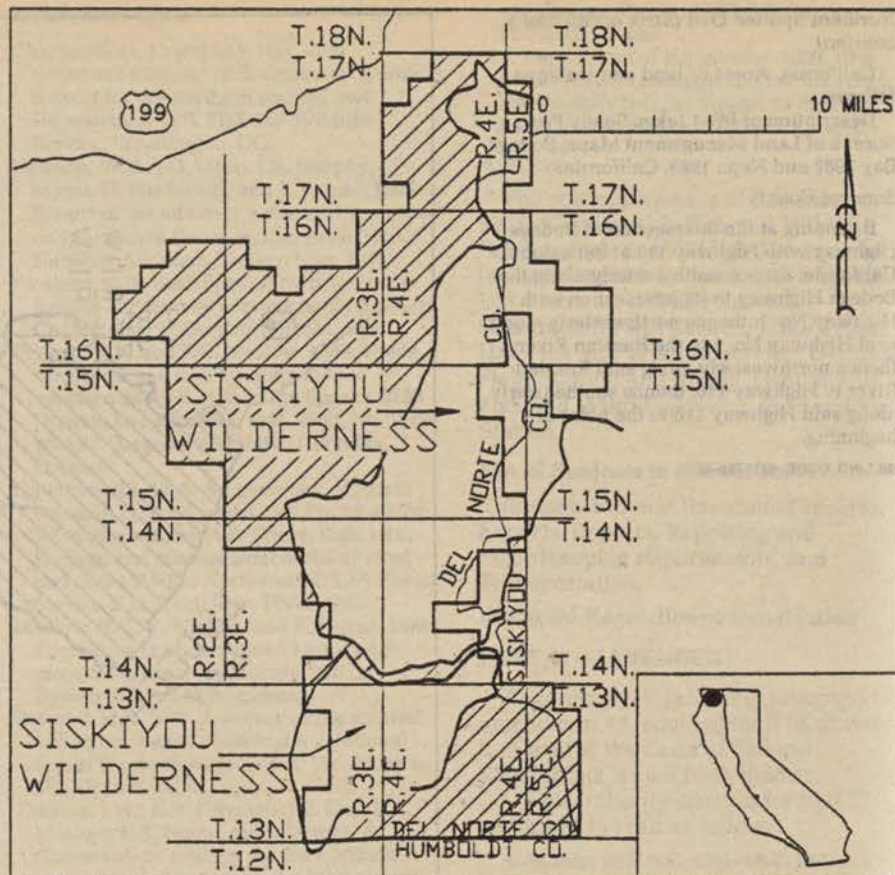
Secs. 1; 2; 3; 10; 11; 12; 13; 14; 15; 16; 21; 22;
23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34;
35; and 36.

T. 13 N., R. 5 E.: Humboldt Meridian

Secs. 6; 7; 8; 17; 18; 19; 20; 29; 30; 31; and 32.

Excepting any of the above area lying
within the Siskiyou Wilderness area.

BILLING CODE 4310-55-M



C-1

BILLING CODE 4310-55-C

Description of C-2 taken Solely From
National Forest Service Map; Six Rivers,
California.

Del Norte, Humboldt, and Siskiyou Counties

T. 12 N., R. 5 E.: Humboldt Meridian

Secs. 25; 26; 27; 31; 32; 33; 34; 35; and 36.

T. 12 N., R. 6 E.: Humboldt Meridian

Sec. 33.

T. 11 N., R. 4 E.: Humboldt Meridian

Secs. 1; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21;
22; 23; 24; 25; 26; 27; 28; 29; 30; 32; 33; 34;
35; and 36.

T. 11 N., R. 5 E.: Humboldt Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 11 N., R. 6 E.: Humboldt Meridian

Secs. 4; 5; 6; 7; 8; 17; 18; and 19.

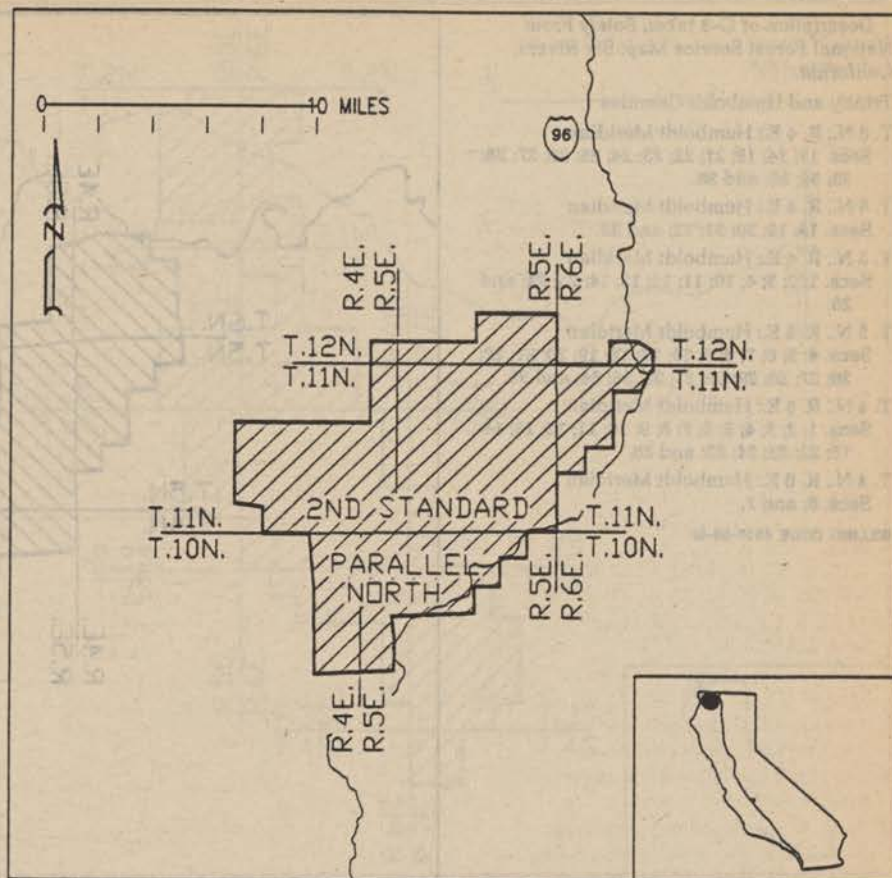
T. 10 N., R. 4 E.: Humboldt Meridian

Secs. 1; 2; 3; 10; 11; 12; 13; 14; 15; 22; 23; 24;
25; 26; and 27.

T. 10 N., R. 5 E.: Humboldt Meridian

Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 16; 17; and 18.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

C-2

Description of C-3 taken Solely From
National Forest Service Map; Six Rivers,
California.

Trinity and Humboldt Counties

T. 6 N., R. 4 E.: Humboldt Meridian
Secs. 13; 14; 15; 21; 22; 23; 24; 25; 26; 27; 28;
33; 34; 35; and 36.

T. 6 N., R. 5 E.: Humboldt Meridian
Secs. 18; 19; 30; 31; 32; and 33.

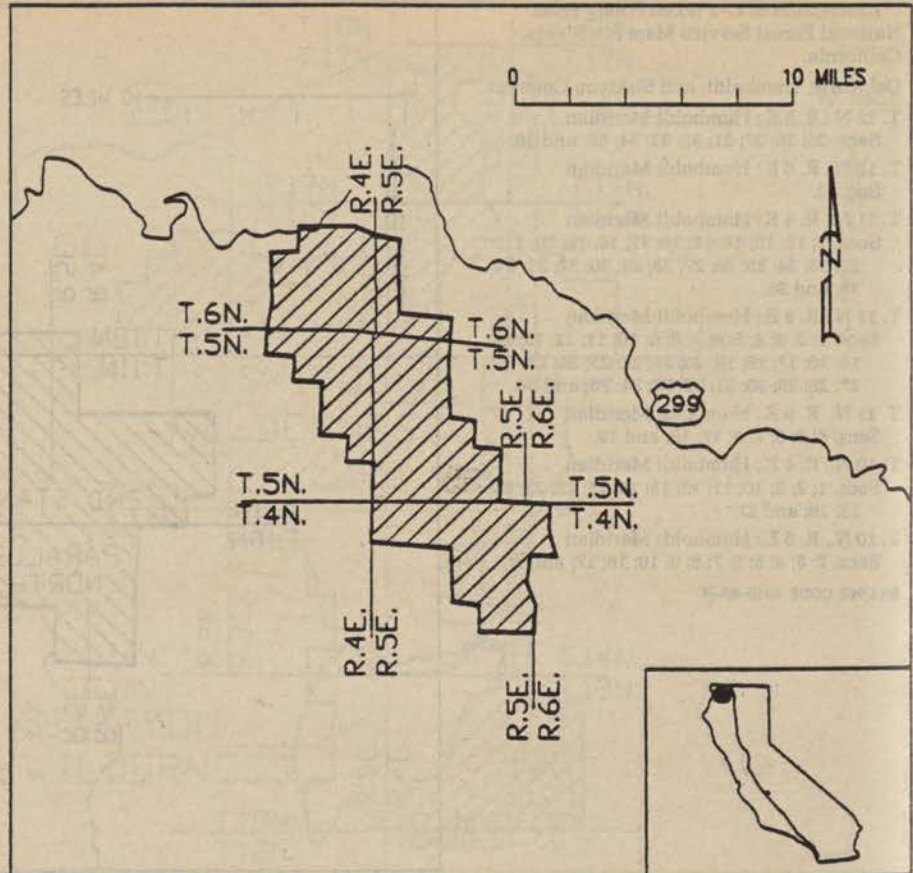
T. 5 N., R. 4 E.: Humboldt Meridian
Secs. 1; 2; 3; 4; 10; 11; 12; 13; 14; 23; 24; and
25.

T. 5 N., R. 5 E.: Humboldt Meridian
Secs. 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 22;
26; 27; 28; 29; 30; 31; 32; 33; 34; and 35.

T. 4 N., R. 5 E.: Humboldt Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 22; 23; 24; 25; and 26.

T. 4 N., R. 6 E.: Humboldt Meridian
Secs. 6; and 7.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

C-3

Description of C-4 taken Solely From
National Forest Service Map; Six Rivers,
California.

Trinity and Humboldt Counties

T. 1 N., R. 5 E.: Humboldt Meridian

Secs. 1; 2; 10; 11; 12; 13; 14; 15; 22; 23; 24; 25;
26; and 27.

T. 1 N., R. 6 E.: Humboldt Meridian

Secs. 5; 6; 7; 8; 18; 19; 29; 30; 31; and 32.

T. 1 S., R. 5 E.: Humboldt Meridian

Secs. 13; 14; 22; 23; 24; 25; 26; 27; 34; 35; and
36.

T. 1 S., R. 6 E.: Humboldt Meridian

Secs. 5; 6; 8; 17; 19; 20; 21; 22; 27; 28; 29; 30;
31; 32; 33; and 34.

T. 2 S., R. 6 E.: Humboldt Meridian

Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 14; 15; 16; 17;
18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.

T. 2 S., R. 5 E.: Humboldt Meridian

Secs. 1; 2; 11; 12; 13; 14; 23; and 24.

T. 2 S., R. 7 E.: Humboldt Meridian

Secs. 19; 30; and 31.

T. 3 S., R. 6 E.: Humboldt Meridian

Secs. 1; 2; 3; 4; 5; 9; 10; 11; 12; 13; 24; and 25.

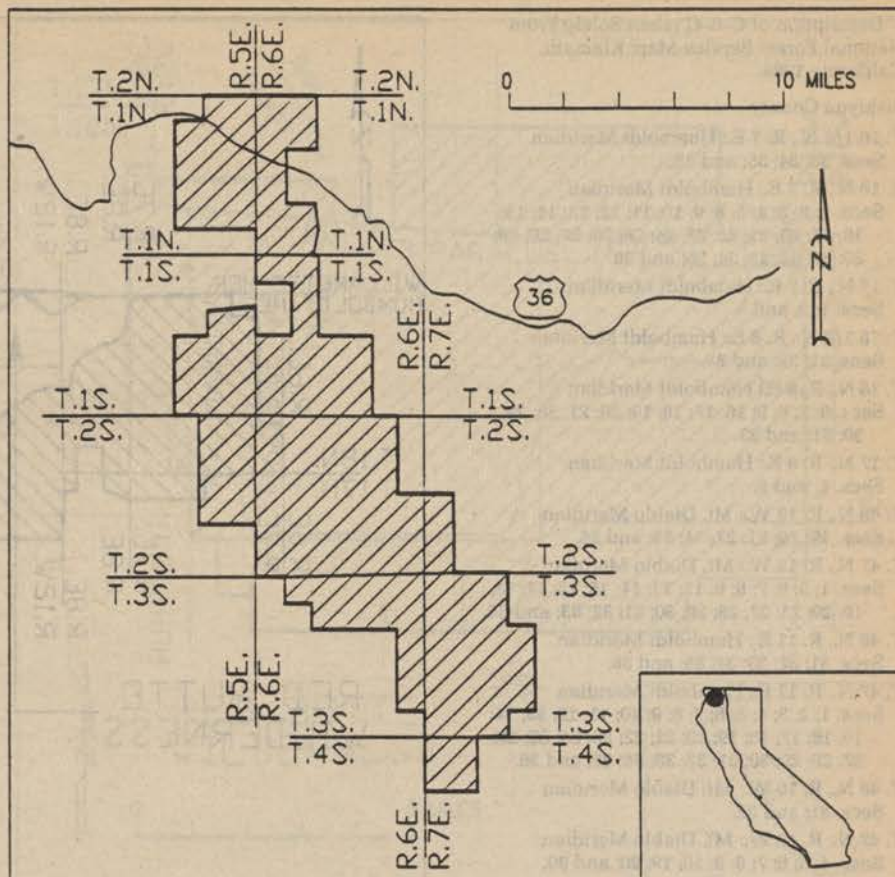
T. 3 S., R. 7 E.: Humboldt Meridian

Secs. 4; 5; 6; 7; 8; 9; 15; 16; 17; 18; 19; 20; 21;
22; 27; 28; 29; 30; 31; 32; and 33.

T. 4 S., R. 7 E.: Humboldt Meridian

Secs. 5; 6; 7; and 8.

BILLING CODE 4310-55-M



C-4

BILLING CODE 4310-55-C

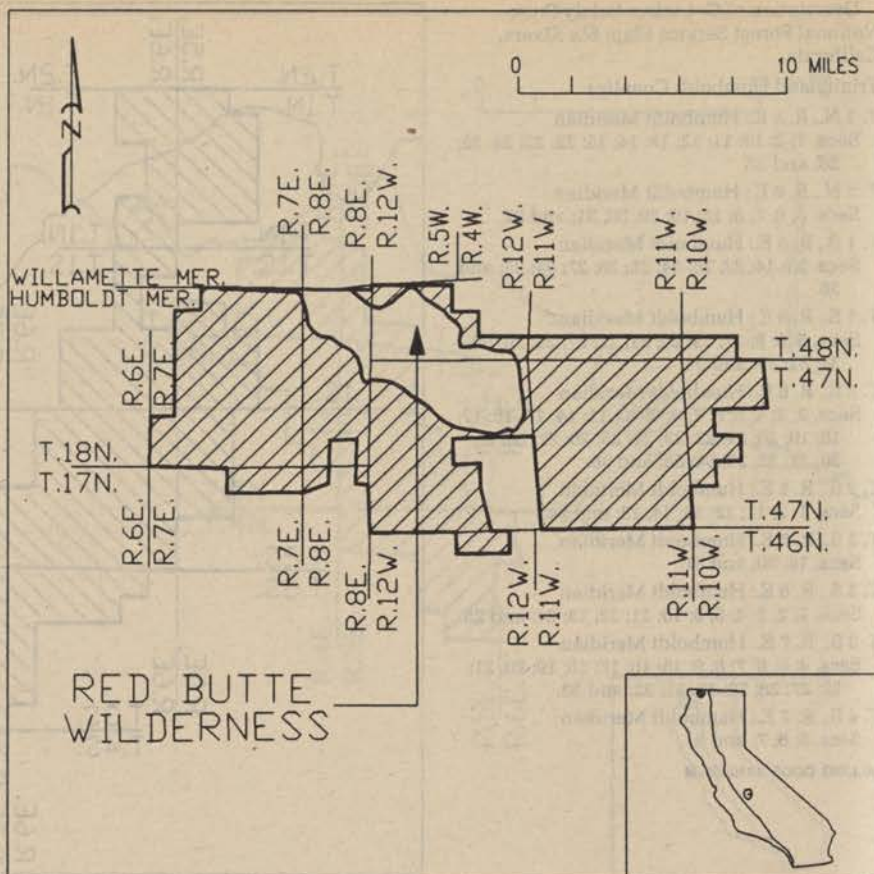
Description of C-5-C taken Solely From
National Forest Service Map; Klamath,
California 1988.

Siskiyou County

- T. 18 1/2 N., R. 7 E.: Humboldt Meridian
Secs. 33; 34; 35; and 36.
- T. 18 N., R. 7 E.: Humboldt Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.
- T. 17 N., R. 7 E.: Humboldt Meridian
Secs. 1; 2; and 3.
- T. 18 1/2 N., R. 8 E.: Humboldt Meridian
Secs. 31; 32; and 33.
- T. 18 N., R. 8 E.: Humboldt Meridian
Secs. 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 28; 29;
30; 31; and 33.
- T. 17 N., R. 8 E.: Humboldt Meridian
Secs. 4; and 6.
- T. 48 N., R. 12 W.: Mt. Diablo Meridian
Secs. 19; 20; 21; 27; 34; 35; and 36.
- T. 47 N., R. 12 W.: Mt. Diablo Meridian
Secs. 1; 5; 6; 7; 8; 9; 12; 13; 14; 15; 16; 17; 18;
19; 20; 21; 27; 28; 29; 30; 31; 32; 33; and 34.
- T. 48 N., R. 11 E.: Humboldt Meridian
Secs. 31; 32; 33; 34; 35; and 36.
- T. 47 N., R. 11 E.: Humboldt Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 48 N., R. 10 W.: Mt. Diablo Meridian
Secs. 31; and 32.
- T. 47 N., R. 10 W.: Mt. Diablo Meridian
Secs. 4; 5; 6; 7; 8; 9; 18; 19; 20; and 30.
- T. 46 N., R. 12 W.: Mt. Diablo Meridian
Secs. 2; and 3.

Excepting any of the above area lying
within the Red Butte Wilderness Area.

BILLING CODE 4310-55-M



C-5-C

BILLING CODE 4310-55-M

Description of C-6 taken Solely From National Forest Service Map; Klamath, California 1988.

Siskiyou County.

T. 16 N., R. 8 E.: Humboldt Meridian
Secs. 9; 15; 16; 21; 22; 27; 28; 33; and 34.

T. 45 N., R. 12 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 46 N., R. 12 W.: Mt. Diablo Meridian
Secs. 25; 26; 31; 32; 33; 35; and 36.

T. 46 N., R. 11 W.: Mt. Diablo Meridian
Secs. 27; 28; 29; 30; 31; 32; 33; and 34.

T. 45 N., R. 11 W.: Mt. Diablo Meridian
Secs. 4; 5; 6; 7; 8; 9; 10; 11; 14; 15; 16; 17; 18;
19; 20; 21; 22; 23; 26; 27; 28; 29; 30; 31; 32;
33; 34; and 35.

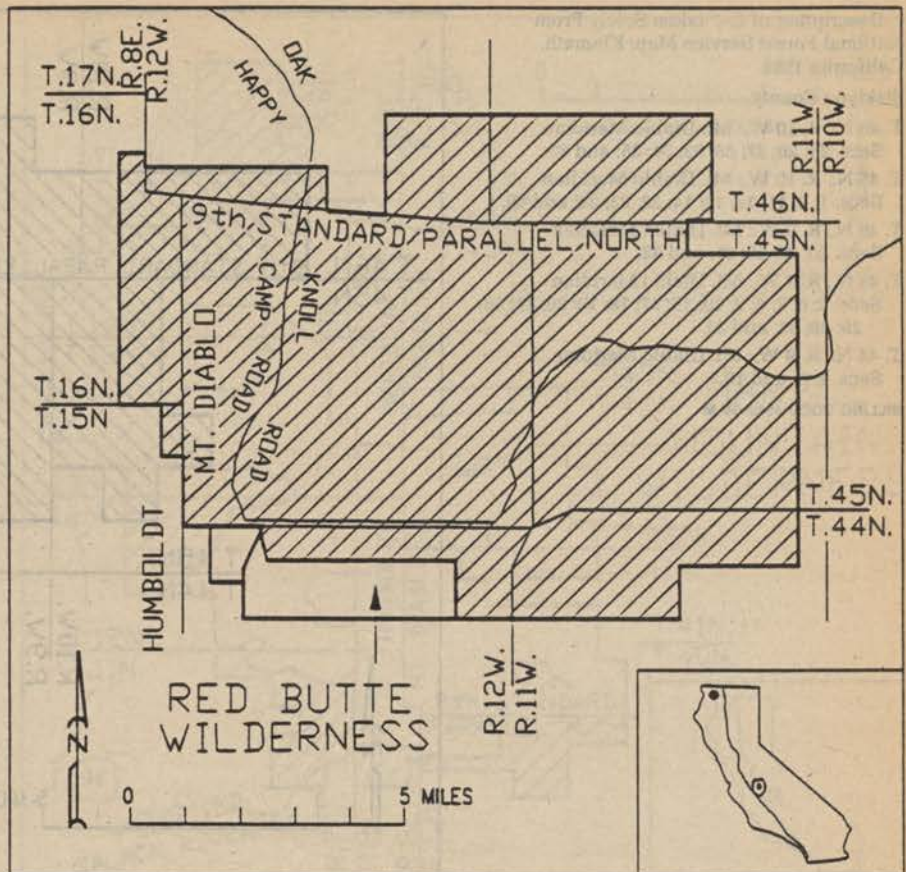
T. 44 N., R. 11 W.: Mt. Diablo Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; and 9.

T. 44 N., R. 12 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; and 5.

T. 15 N., R. 8 E.: Humboldt Meridian
Sec. 3.

Excepting any of the above area lying within the Marble Mountain Wilderness Area.

BILLING CODE 4310-55-M



C-6

BILLING CODE 4310-55-C

Description of C-7 taken Solely From
National Forest Service Map; Klamath,
California 1988.

Siskiyou County.

T. 46 N., R. 10 W.: Mt. Diablo Meridian
Secs. 25; 26; 27; 28; 33; 34; 35; and 36.

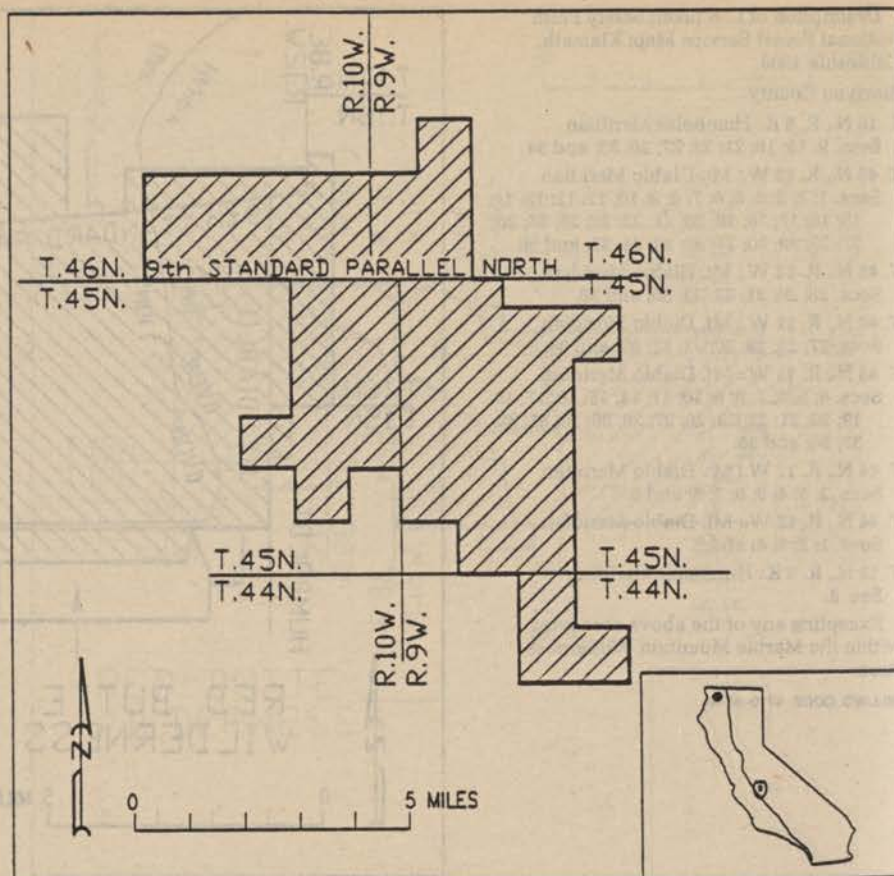
T. 45 N., R. 10 W.: Mt. Diablo Meridian
Secs. 1; 2; 11; 12; 13; 14; 22; 23; 24; and 26.

T. 46 N., R. 9 W.: Mt. Diablo Meridian
Secs. 20; 29; 30; 31; and 32.

T. 45 N., R. 9 W.: Mt. Diablo Meridian
Secs. 5; 6; 7; 8; 9; 10; 16; 17; 18; 19; 20; 21; 28;
29; 30; 32; and 33.

T. 44 N., R. 9 W.: Mt. Diablo Meridian
Secs. 4; 9; and 10.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

C-7

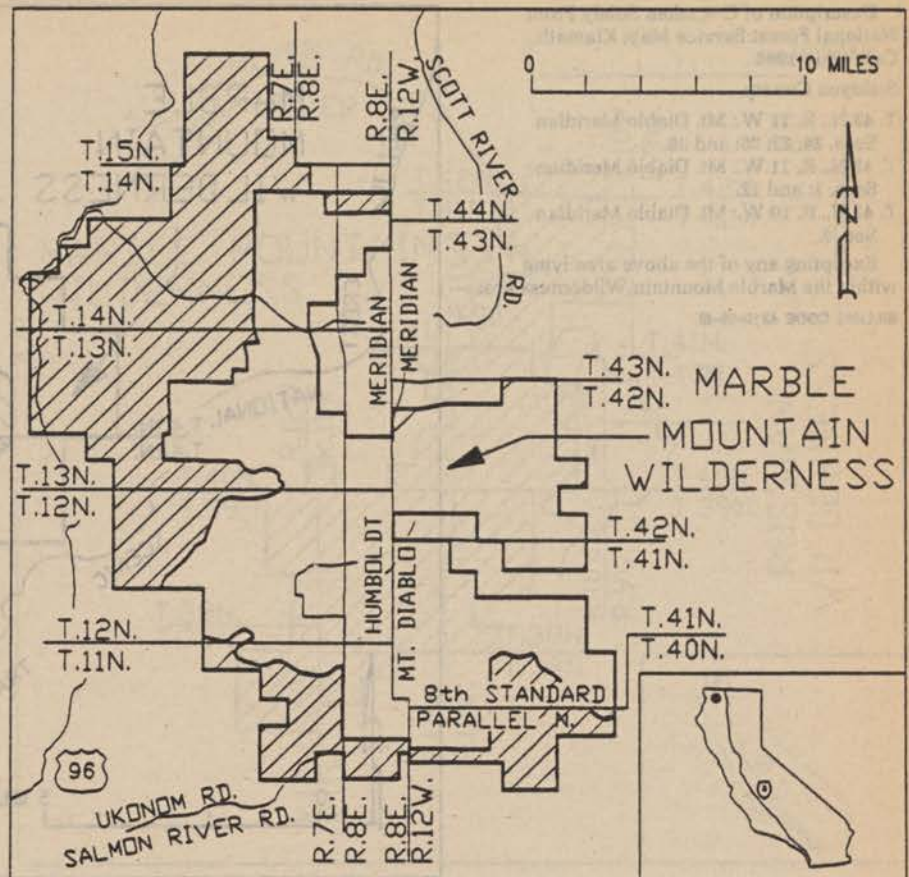
Description of C-8 taken Solely From
National Forest Service Map; Klamath,
California 1988.

Siskiyou County.

- T. 40 N., R. 11 W.: Mt. Diablo Meridian
Secs. 7; and 8.
- T. 40 N., R. 12 W.: Mt. Diablo Meridian
Secs. 10; 11; 12; 13; 14; 15; 16; 17; 18; 23; and
24.
- T. 41 N., R. 12 W.: Mt. Diablo Meridian
Secs. 25; 26; 27; 34; 35; and 36.
- T. 41 N., R. 11 W.: Mt. Diablo Meridian
Secs. 20; 30; and 31.
- T. 11 N., R. 7 E.: Humboldt Meridian
Secs. 1; 2; 3; 4; 5; 10; 11; 12; 13; 14; 22; 23; 24;
26; and 27.
- T. 11 N., R. 8 E.: Humboldt Meridian
Secs. 19; 20; 21; 29; and 30.
- T. 14 N., R. 8 E.: Humboldt Meridian
Secs. 7; and 8.
- T. 15 N., R. 7 E.: Humboldt Meridian
Secs. 14; 15; 16; 21; 22; 23; 26; 27; 28; 33; 34;
35; and 36.
- T. 14 N., R. 7 E.: Humboldt Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21;
28; 29; 30; 31; 32; and 33.
- T. 12 N., R. 7 E.: Humboldt Meridian
Secs. 3; 4; 5; 6; 7; 8; 17; 18; 19; 32; and 33.
- T. 12 N., R. 6 E.: Humboldt Meridian
Secs. 1; 2; 11; 12; 13; 14; 23; and 24.
- T. 13 N., R. 6 E.: Humboldt Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 20; 21; 22; 23; 24; 25; 26; 27; 35; and
36.
- T. 14 N., R. 6 E.: Humboldt Meridian
Secs. 13; 14; 15; 21; 22; 23; 24; 25; 26; 27; 28;
29; 32; 33; 34; 35; and 36.

Excepting any of the above area lying
within the Marble Mountain Wilderness area.

BILLING CODE 4310-55-M



C-8

BILLING CODE 4310-55-C

Description of C-9 taken Solely From
National Forest Service Map; Klamath,
California 1988.

Siskiyou County.

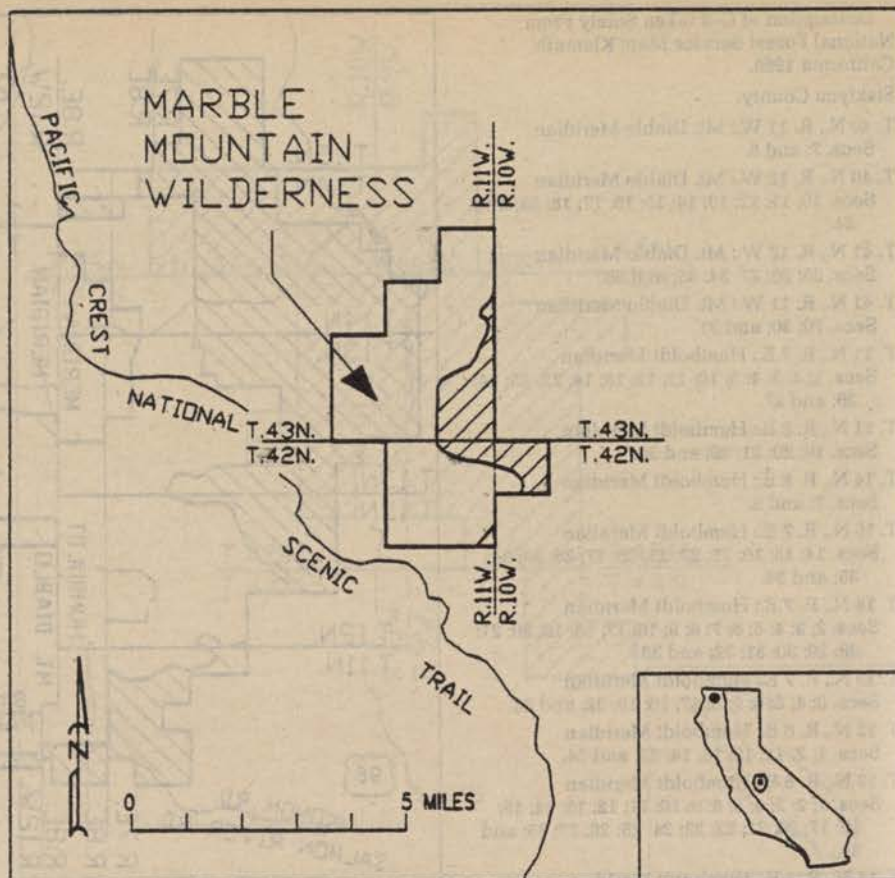
T. 43 N., R. 11 W.: Mt. Diablo Meridian
Secs. 24; 25; 26; and 36.

T. 42 N., R. 11 W.: Mt. Diablo Meridian
Secs. 1; and 12.

T. 42 N., R. 10 W.: Mt. Diablo Meridian
Sec. 6.

Excepting any of the above area lying
within the Marble Mountain Wilderness area.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

C-9

Siskiyou County.

T. 41 N., R. 10 W.: Mt. Diablo Meridian

T. 40 N., R. 10 W.: Mt. Diablo Meridian
Secs. 7; 8; 9; 14; 15; 16; 17; 18; 19; 20; 21; 22;
23; 26; 27; 28; 29; 30; 31; 32; 33; 34; and 35.

T. 39 N., R. 10 W.: Mt. Diablo Meridian
Secs. 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 30;
31; and 32.

T. 40 N., R. 11 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 32; 33; 34; 35; and 36.

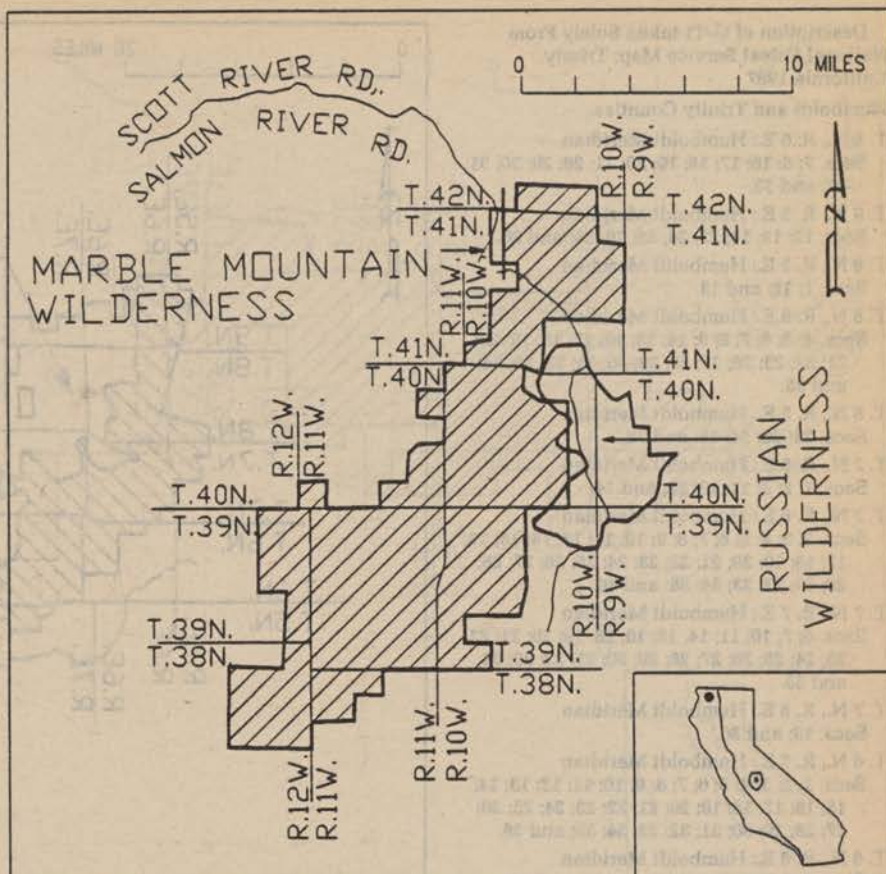
T. 38 N., R. 11 W.: Mt. Diablo Meridian
Secs. 3; 4; 5; 8; 9; 17; and 18.

T. 39 N., R. 12 W.: Mt. Diablo Meridian
Secs. 11; 12; 13; 14; 23; 24; 25; and 36.

T. 38 N., R. 12 E.: Humboldt Meridian
Secs. 1; 10; 11; 12; 13; 14; 15; 22; 23; and 24.

Excepting any of the above area lying within the Marble Mountain Wilderness and Russian Wilderness areas.

BILLING CODE 4310-55-M



C-10

BILLING CODE 4310-55-C

Description of C-11 taken Solely From
National Forest Service Map; Trinity,
California 1987

Humboldt and Trinity Counties.

T. 9 N., R. 6 E.: Humboldt Meridian
Secs. 7; 8; 16; 17; 18; 19; 20; 21; 28; 29; 30; 31;
32; and 33.

T. 9 N., R. 5 E.: Humboldt Meridian
Secs. 12; 13; 14; 23; 24; 25; 26; 35; and 36.

T. 8 N., R. 5 E.: Humboldt Meridian
Secs. 1; 12; and 13.

T. 8 N., R. 6 E.: Humboldt Meridian
Secs. 4; 5; 6; 7; 8; 9; 14; 15; 16; 17; 18; 19; 20;
21; 22; 23; 26; 27; 28; 29; 30; 31; 32; 33; 34;
and 35.

T. 8 N., R. 5 E.: Humboldt Meridian
Secs. 25; 26; 34; 35; and 36.

T. 7 N., R. 5 E.: Humboldt Meridian
Secs. 1; 2; 3; 11; 12; 13; and 14.

T. 7 N., R. 6 E.: Humboldt Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 13; 14; 15; 16;
17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28;
29; 30; 32; 33; 34; 35; and 36.

T. 7 N., R. 7 E.: Humboldt Meridian
Secs. 6; 7; 10; 11; 14; 15; 16; 18; 19; 20; 21; 22;
23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34;
and 35.

T. 7 N., R. 8 E.: Humboldt Meridian
Secs. 19; and 30.

T. 6 N., R. 7 E.: Humboldt Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 6 N., R. 6 E.: Humboldt Meridian
Secs. 1; 2; 3; 4; 11; 12; 13; 14; 23; and 24.

T. 5 N., R. 7 E.: Humboldt Meridian
Secs. 1; 2; 3; 11; 12; 18; 19; 30; 31; and 32.

T. 5 N., R. 8 E.: Humboldt Meridian
Secs. 5; 6; 9; and 21.

T. 34 N., R. 12 W.: Mt. Diablo Meridian
Secs. 13; 14; 18; 23; 24; 25; 26; and 27.

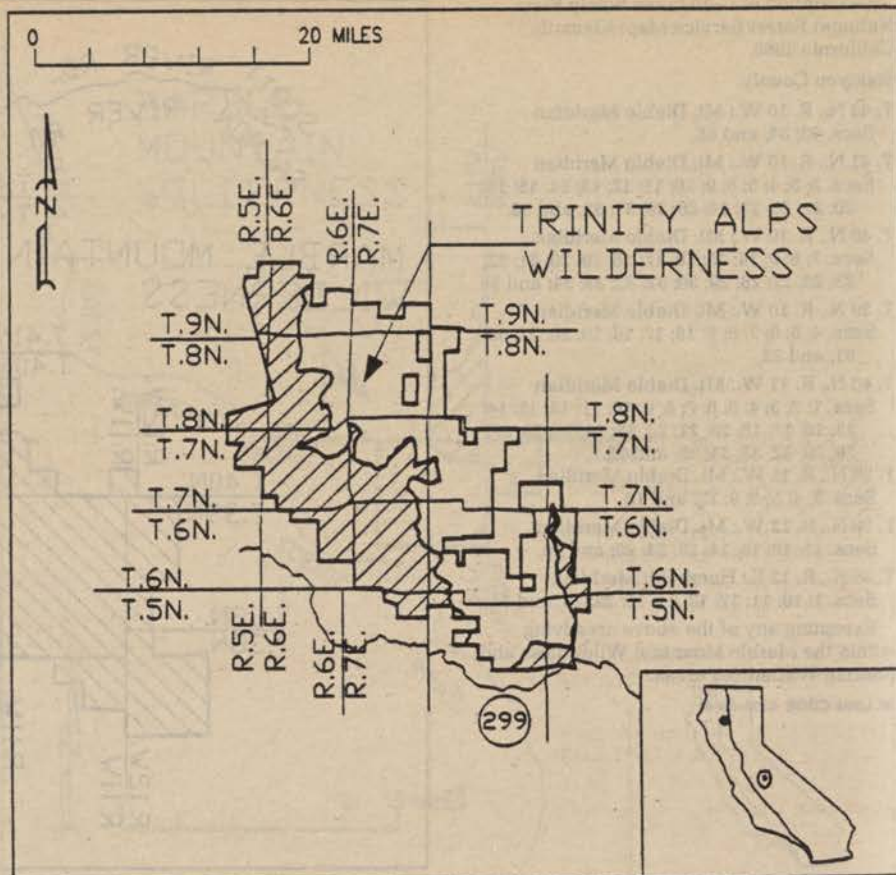
T. 34 N., R. 11 W.: Mt. Diablo Meridian
Secs. 4; 5; 8; 17; 19; 20; 29; and 30.

T. 35 N., R. 11 W.: Mt. Diablo Meridian
Secs. 6; 7; 17; 18; 19; 20; 29; 30; 31; 32; and
33. *

T. 36 N., R. 11 W.: Mt. Diablo Meridian
Sec. 32.

Excepting any of the above area lying
within the Trinity Alps Wilderness area.

BILLING CODE 4310-55-M



C-11

BILLING CODE 4310-55-C

Trinity County.

T. 4 N., R. 7 E.: Humboldt Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 18; 22; 23; 24; 25; 26; 27; 33; 34; 35; and
36.

T. 4 N., R. 6 E.: Humboldt Meridian
Secs. 12; and 13.

T. 3 N., R. 7 E.: Humboldt Meridian
Secs 2; and 3.

T. 4 N., R. 8 E.: Humboldt Meridian
Secs. 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 28;
29; 30; 31; 32; and 33.

T. 3 N., R. 8 E.: Humboldt Meridian
Secs. 8; 9; 16; and 17.

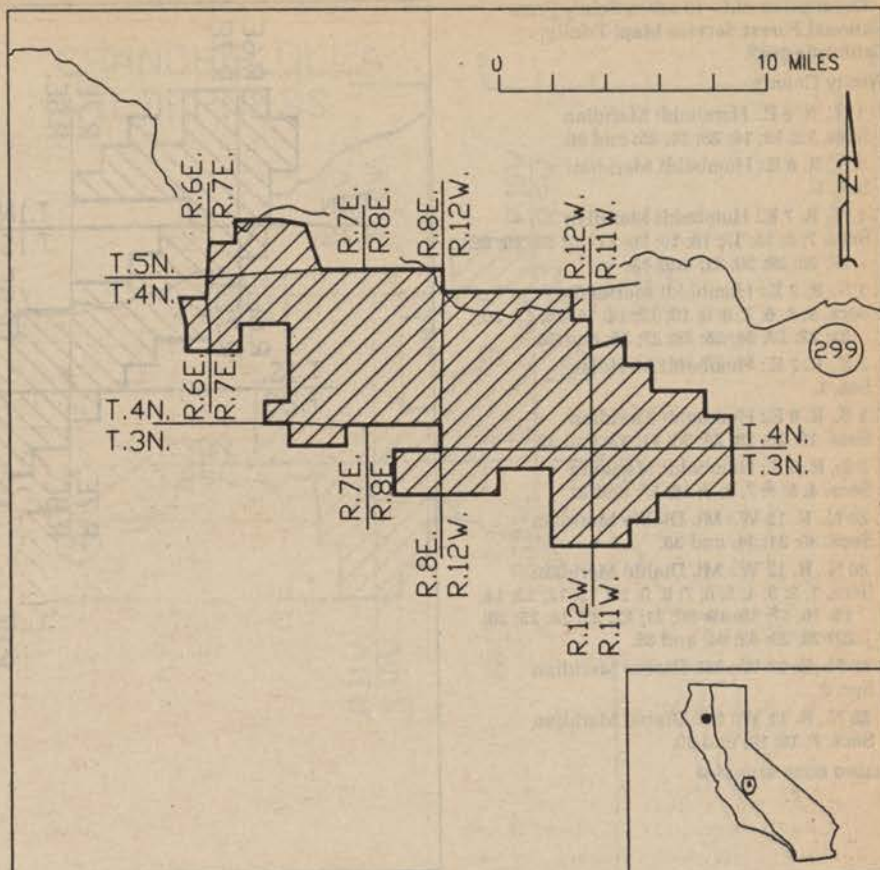
T. 33 N., R. 12 W.: Mt. Diablo Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 32 N., R. 12 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 11; 12; 13; 14; 23;
and 24.

T. 33 N., R. 11 W.: Mt. Diablo Meridian
Secs. 18; 19; 20; 27; 28; 29; 30; 31; 32; 33; 34;
and 35.

T. 32 N., R. 11 W.: Mt. Diablo Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 17; 18; and
19.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

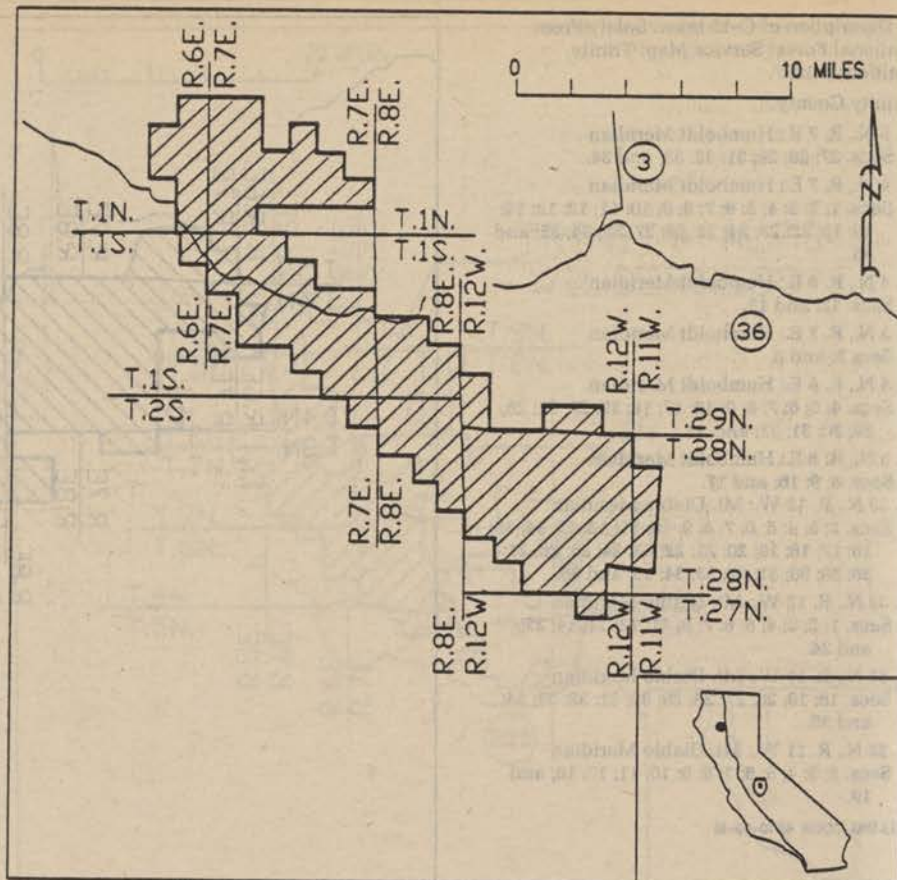
C-12

Description of C-13 taken Solely From
National Forest Service Map; Trinity,
California 1987.

Trinity County

- T. 1 N., R. 6 E.: Humboldt Meridian
Secs. 12; 13; 14; 23; 24; 25; and 36.
- T. 1 S., R. 6 E.: Humboldt Meridian
Sec. 1.
- T. 1 N., R. 7 E.: Humboldt Meridian
Secs. 7; 8; 15; 17; 18; 19; 20; 21; 22; 23; 25; 26;
27; 28; 29; 30; 31; and 32.
- T. 1 S., R. 7 E.: Humboldt Meridian
Secs. 4; 5; 6; 7; 8; 9; 10; 13; 14; 15; 16; 17; 20;
21; 22; 23; 24; 25; 26; 27; 35; and 36.
- T. 2 S., R. 7 E.: Humboldt Meridian
Sec. 1.
- T. 1 S., R. 8 E.: Humboldt Meridian
Secs. 19; 20; 28; 29; 30; 31; 32; and 33.
- T. 2 S., R. 8 E.: Humboldt Meridian
Secs. 4; 5; 6; 7; 8; 9; 16; 17; and 21.
- T. 29 N., R. 12 W.: Mt. Diablo Meridian
Secs. 30; 31; 34; and 35.
- T. 28 N., R. 12 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 33; 34; and 35.
- T. 27 N., R. 12 W.: Mt. Diablo Meridian
Sec. 2.
- T. 28 N., R. 11 W.: Mt. Diablo Meridian
Secs. 7; 18; 19; and 30.

BILLING CODE 4310-55-M



C-13

BILLING CODE 4310-55-C

Description of C-14 taken Solely From
National Forest Service Map; Trinity,
California 1987.

Trinity and Shasta Counties

T. 31 N., R. 11 W.: Mt. Diablo Meridian
Secs. 34; 35; and 36.

T. 31 N., R. 10 W.: Mt. Diablo Meridian
Sec. 31.

T. 30 N., R. 11 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 10; 11; 12; 13; 14; 15; 21; 22; 23;
24; 25; 26; 27; 28; 33; 34; 35; and 36.

T. 31 N., R. 10 W.: Mt. Diablo Meridian
Secs. 25; 26; 27; 34; 35; and 36.

T. 29 N., R. 11 W.: Mt. Diablo Meridian
Secs. 1; 2; 11; 12; 13; 14; 24; and 25.

T. 31 N., R. 9 W.: Mt. Diablo Meridian
Sec. 31.

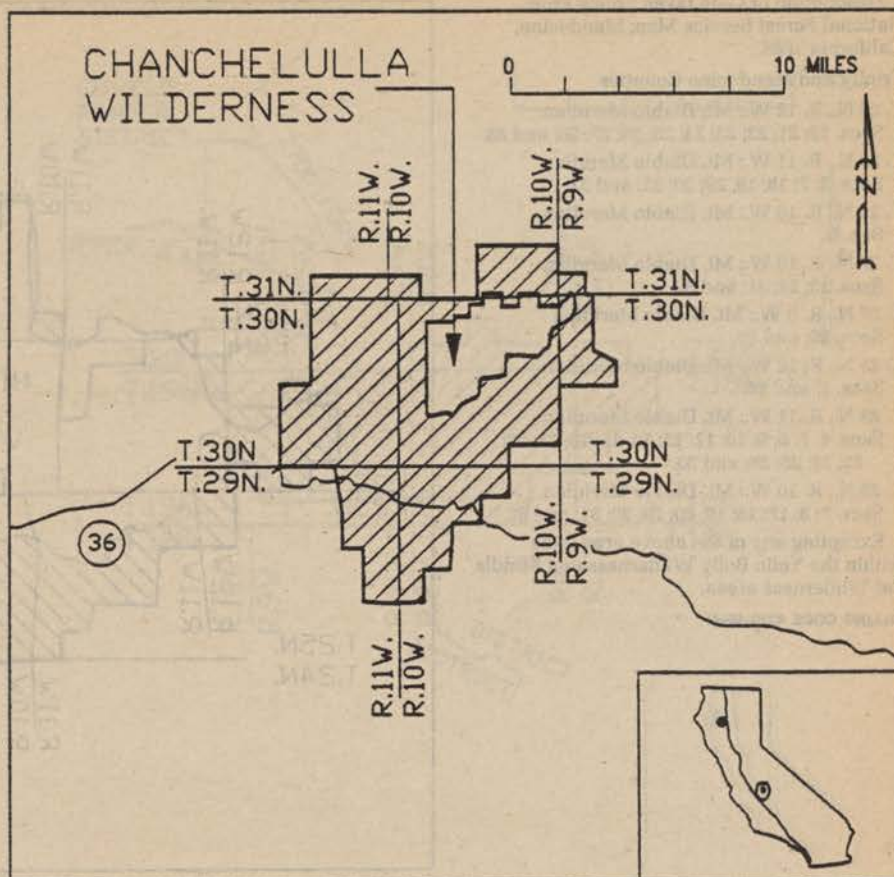
T. 30 N., R. 9 W.: Mt. Diablo Meridian
Secs. 6; 7; 17; and 18.

T. 30 N., R. 10 W.: Mt. Diablo Meridian
Secs. 1; 2; 4; 5; 6; 7; 11; 12; 13; 14; 15; 18; 19;
20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31;
32; 33; and 34.

T. 29 N., R. 10 W.: Mt. Diablo Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 17; 18; 19; 20; and 30.

Excepting any of the above area lying
within the Chancelulla Wilderness area.

BILLING CODE 4310-55-M



C-14

BILLING CODE 4310-55-C

Description of C-15 taken Solely From
National Forest Service Map; Mendocino,
California 1983.

Trinity and Mendocino Counties

T. 26 N., R. 12 W.: Mt. Diablo Meridian
Secs. 15; 21; 22; 23; 24; 25; 26; 27; 28; and 35.

T. 26 N., R. 11 W.: Mt. Diablo Meridian
Secs. 5; 7; 18; 19; 29; 30; 31; and 32.

T. 26 N., R. 10 W.: Mt. Diablo Meridian
Sec. 6.

T. 27 N., R. 10 W.: Mt. Diablo Meridian
Secs. 13; 14; 31; and 32.

T. 27 N., R. 9 W.: Mt. Diablo Meridian
Secs. 20; and 21.

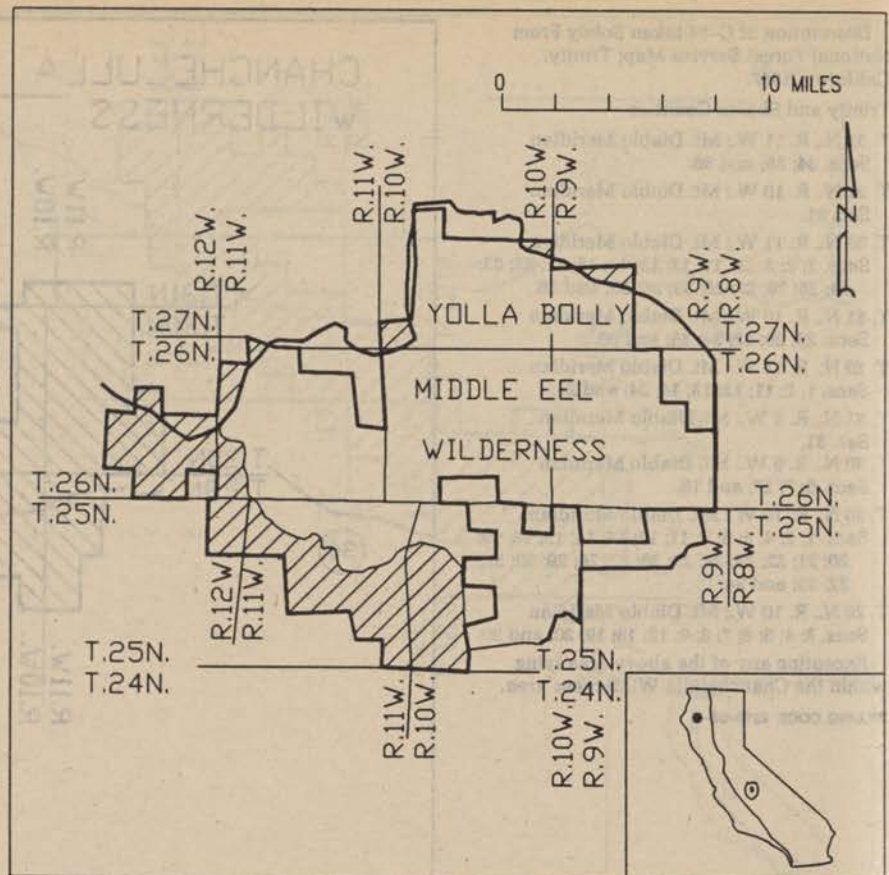
T. 25 N., R. 12 W.: Mt. Diablo Meridian
Secs. 1; and 12.

T. 25 N., R. 11 W.: Mt. Diablo Meridian
Secs. 6; 7; 8; 9; 10; 12; 13; 14; 15; 16; 21; 22;
23; 24; 25; 26; and 36.

T. 25 N., R. 10 W.: Mt. Diablo Meridian
Secs. 7; 8; 17; 18; 19; 20; 29; 30; 31; and 32.

Excepting any of the above area lying
within the Yolla Bolly Wilderness and Middle
Eel Wilderness areas.

BILLING CODE 4310-55-M



C-15

BILLING CODE 4310-55-C

Description of C-18 taken Solely From
National Forest Service Map; Mendocino,
California 1983.

Mendocino, Glenn, and Lake Counties

T. 20 N., R. 10 W.: Mt. Diablo Meridian
Secs. 25; 35; and 36.

T. 19 N., R. 10 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 11; 12; 13; 14; 23; 24; and 25.

T. 20 N., R. 9 W.: Mt. Diablo Meridian
Secs. 28; 29; 32; 33; and 34.

T. 19 N., R. 9 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 20; 21; 22; 23; 24; 25; 26; 27; 28; and
29.

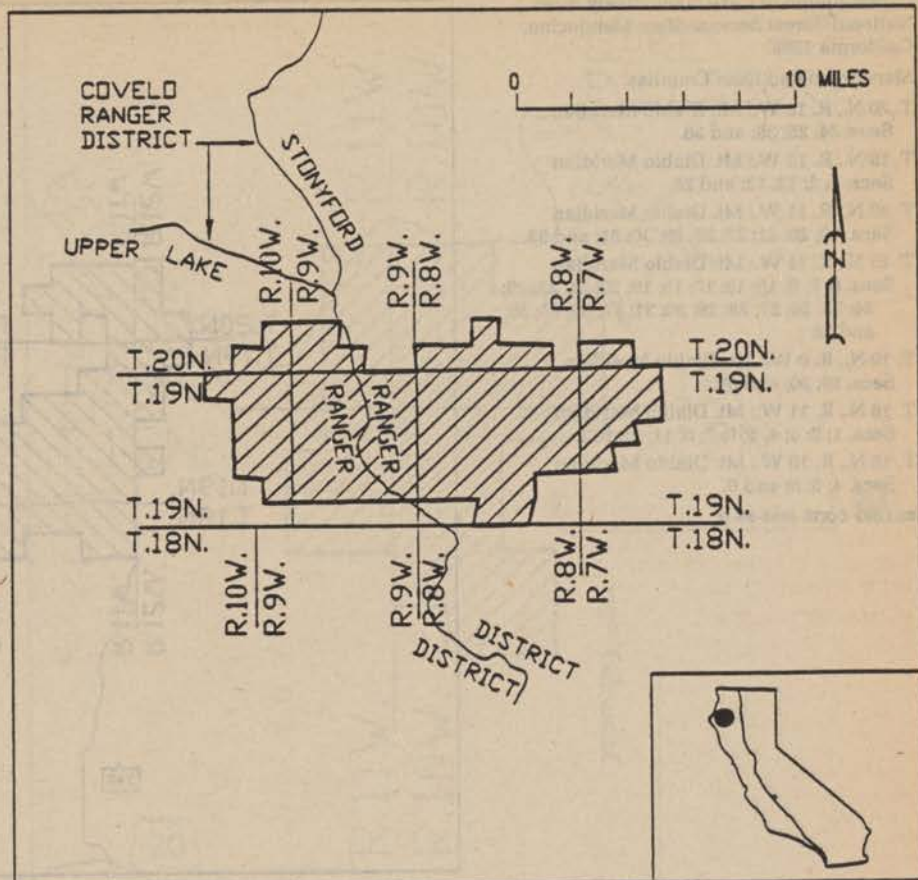
T. 20 N., R. 8 W.: Mt. Diablo Meridian
Secs. 28; 31; 32; 33; 34; and 35.

T. 19 N., R. 8 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 27; 28;
29; 30; 33; and 34.

T. 20 N., R. 7 W.: Mt. Diablo Meridian
Secs. 31; and 32.

T. 19 N., R. 7 W.: Mt. Diablo Meridian
Secs. 4; 5; 6; 7; 8; 9; 17; 18; and 19.

BILLING CODE 4310-55-M



C-18

BILLING CODE 4310-55-C

Description of C-19 taken Solely From
National Forest Service Map; Mendocino,
California 1983.

Mendocino and Lake Counties

T. 20 N., R. 12 W.: Mt. Diablo Meridian
Secs. 24, 25, 35; and 36.

T. 19 N., R. 12 W.: Mt. Diablo Meridian
Secs. 1; 2; 12; 13; and 25.

T. 20 N., R. 11 W.: Mt. Diablo Meridian
Secs. 19; 20; 21; 27; 28; 29; 30; 31; and 33.

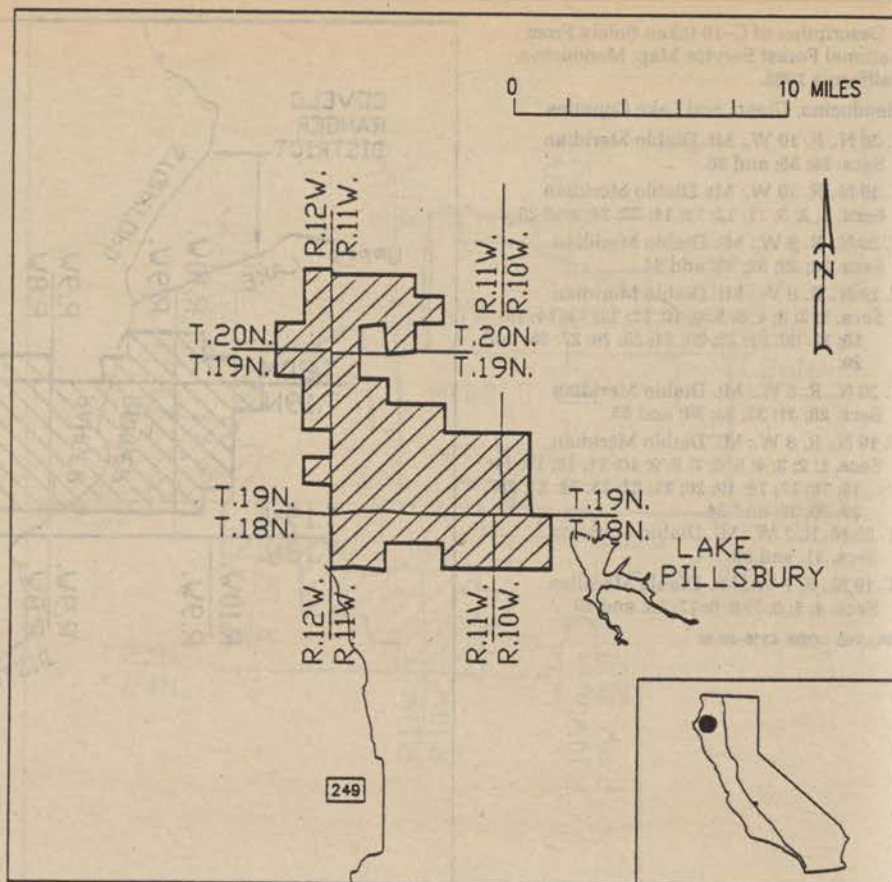
T. 19 N., R. 11 W.: Mt. Diablo Meridian
Secs. 6; 7; 8; 15; 16; 17; 18; 19; 20; 21; 22; 23;
24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35;
and 36.

T. 19 N., R. 9 W.: Mt. Diablo Meridian
Secs. 19; 30; and 31.

T. 18 N., R. 11 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 11; and 12.

T. 18 N., R. 10 W.: Mt. Diablo Meridian
Secs. 4; 5; 8; and 9.

BILLING CODE 4310-55-M



C-19

BILLING CODE 4310-55-C

Description of C-20 taken Solely From
National Forest Service Map; Mendocino,
California 1983.

Mendocino and Lake Counties

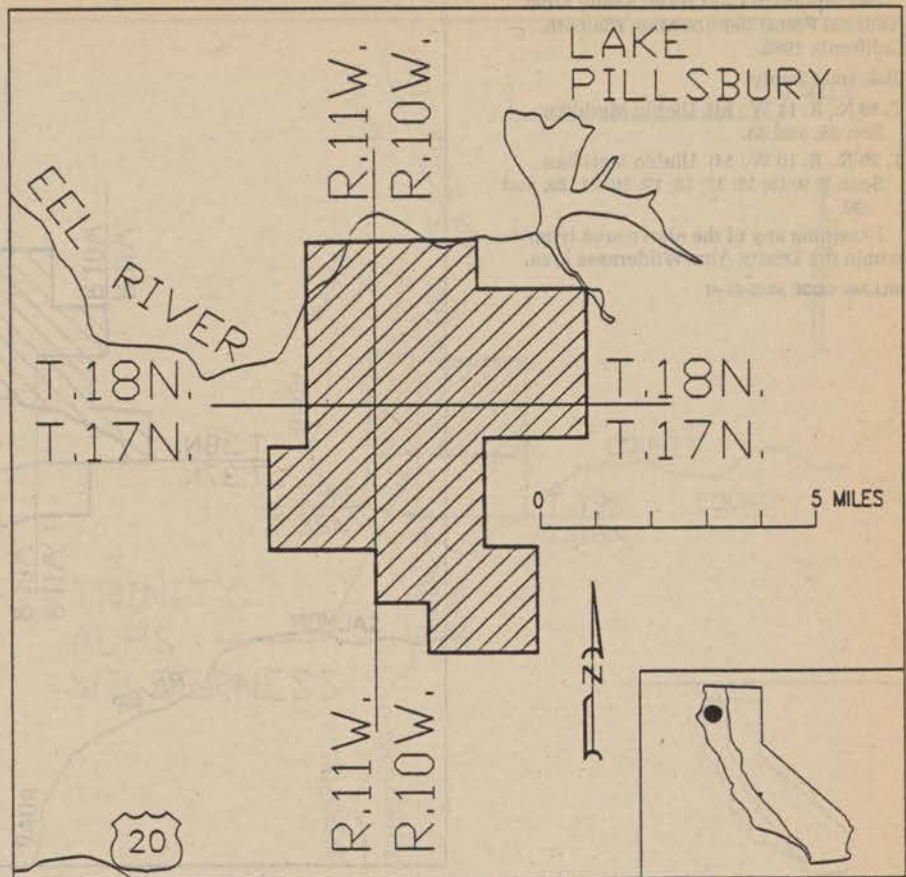
T. 18 N., R. 11 W.: Mt. Diablo Meridian
Secs. 24, 25; and 36.

T. 17 N., R. 11 W.: Mt. Diablo Meridian
Secs. 1; 11; 12; 13; and 14.

T. 18 N., R. 10 W.: Mt. Diablo Meridian
Secs. 20; 21; 26; 27; 28; 29; 32; 33; 34; and 35.

T. 17 N., R. 10 W.: Mt. Diablo Meridian
Secs. 2; 3; 4; 5; 8; 9; 16; 17; 20; 21; 22; 27; and
28.

BILLING CODE 4310-55-M



C-20

BILLING CODE 4310-55-C

Description of C-23 taken Solely From
National Forest Service Map; Klamath,
California 1988.

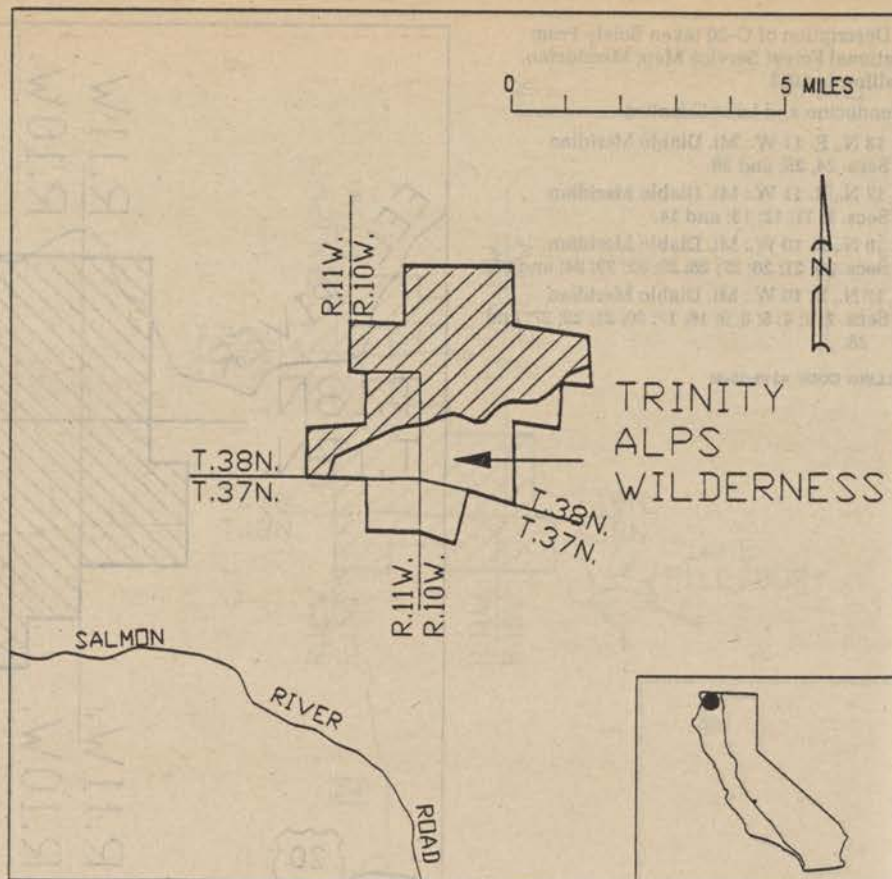
Siskiyou County

T. 38 N., R. 11 W.: Mt. Diablo Meridian
Sec. 25; and 35.

T. 38 N., R. 10 W.: Mt. Diablo Meridian
Secs. 8; 9; 15; 16; 17; 18; 19; 20; 21; 29; and
30.

Excepting any of the above area lying
within the Trinity Alps Wilderness area.

BILLING CODE 4310-55-M



C-23

BILLING CODE 4310-55-C

Description of C-24 taken Solely From
National Forest Service Map; Klamath,
California 1988.

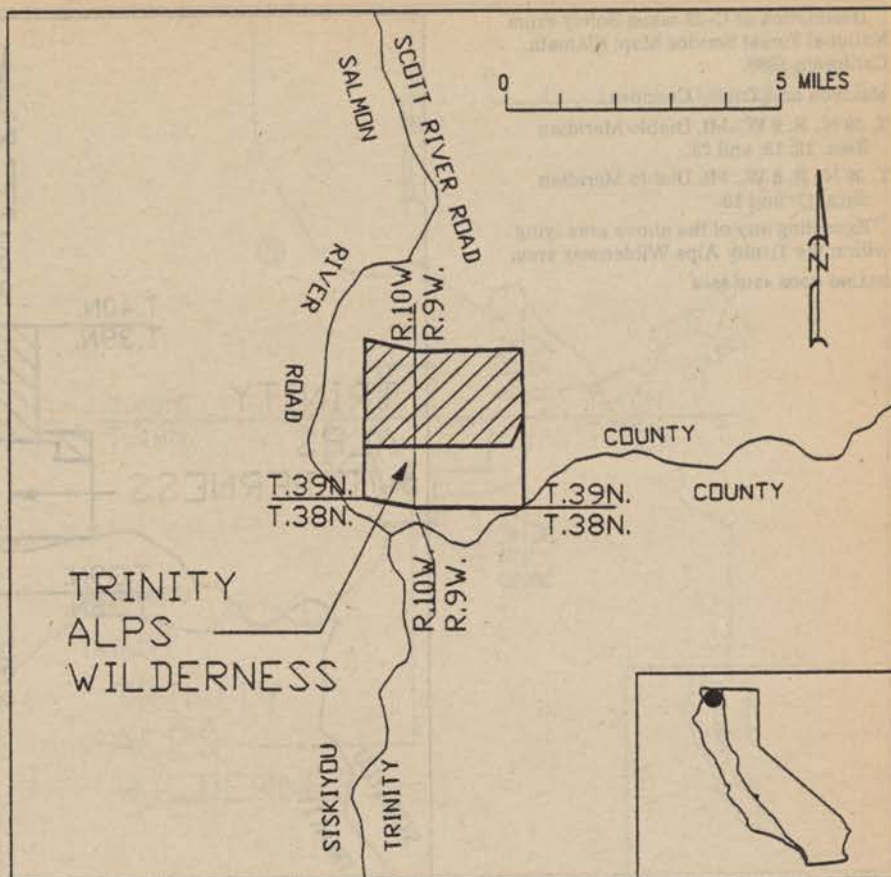
Siskiyou County

T. 39 N., R. 10 W.: Mt. Diablo Meridian
Secs. 24; and 25.

T. 39 N., R. 11 W.: Mt. Diablo Meridian
Secs. 19; 20; 29; and 30.

Excepting any of the above area lying
within the Trinity Alps Wilderness area.

BILLING CODE 4310-55-M



C-24

BILLING CODE 4310-55-C

Description of C-25 taken Solely From
National Forest Service Map; Klamath,
California 1988.

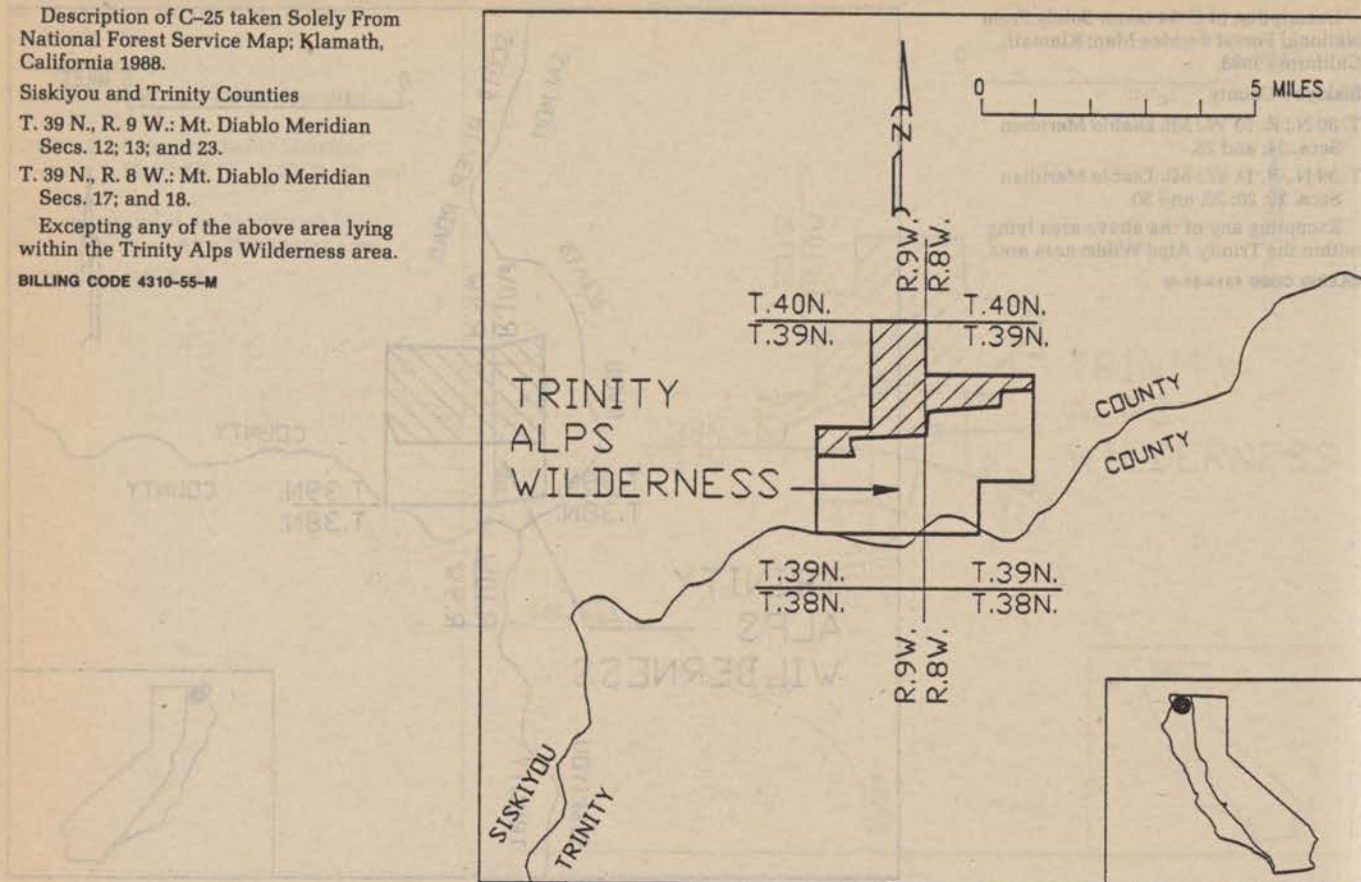
Siskiyou and Trinity Counties

T. 39 N., R. 9 W.: Mt. Diablo Meridian
Secs. 12; 13; and 23.

T. 39 N., R. 8 W.: Mt. Diablo Meridian
Secs. 17; and 18.

Excepting any of the above area lying
within the Trinity Alps Wilderness area.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

C-25

Description of C-26 taken Solely From
National Forest Service Map; Klamath,
California 1988.

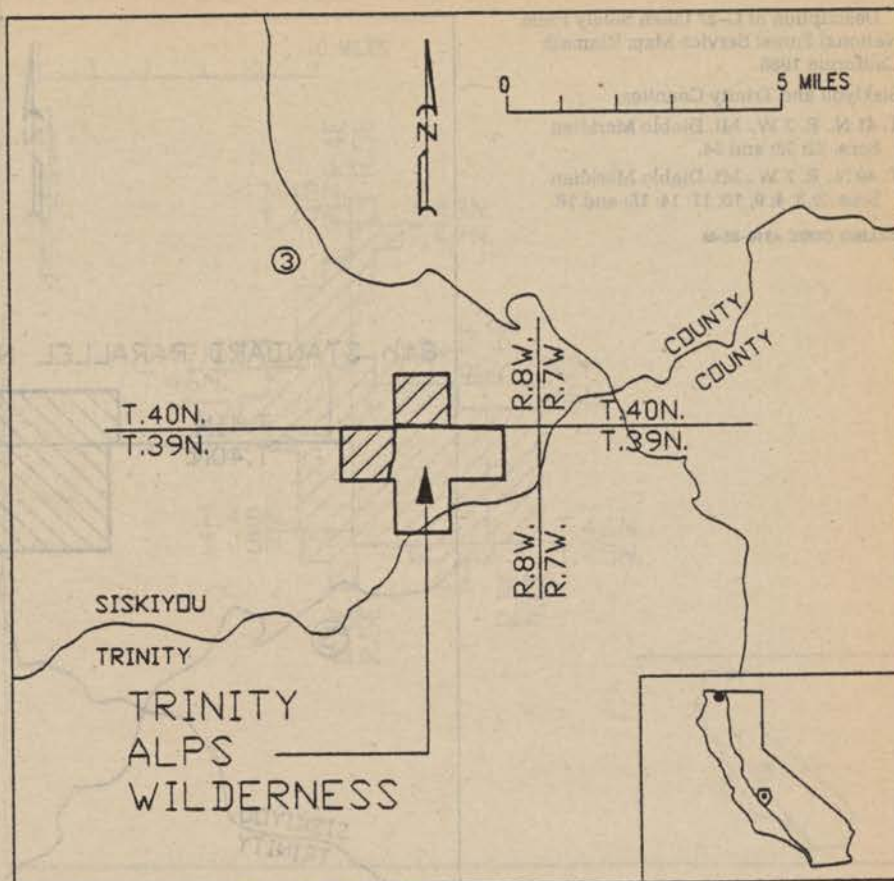
Siskiyou and Trinity Counties

T. 40 N., R. 8 W.: Mt. Diablo Meridian
Sec. 34.

T. 39 N., R. 8 W.: Mt. Diablo Meridian
Sec. 9.

Excepting any of the above area lying
within the Trinity Alps Wilderness area.

BILLING CODE 4310-55-M



C-26

BILLING CODE 4310-55-C

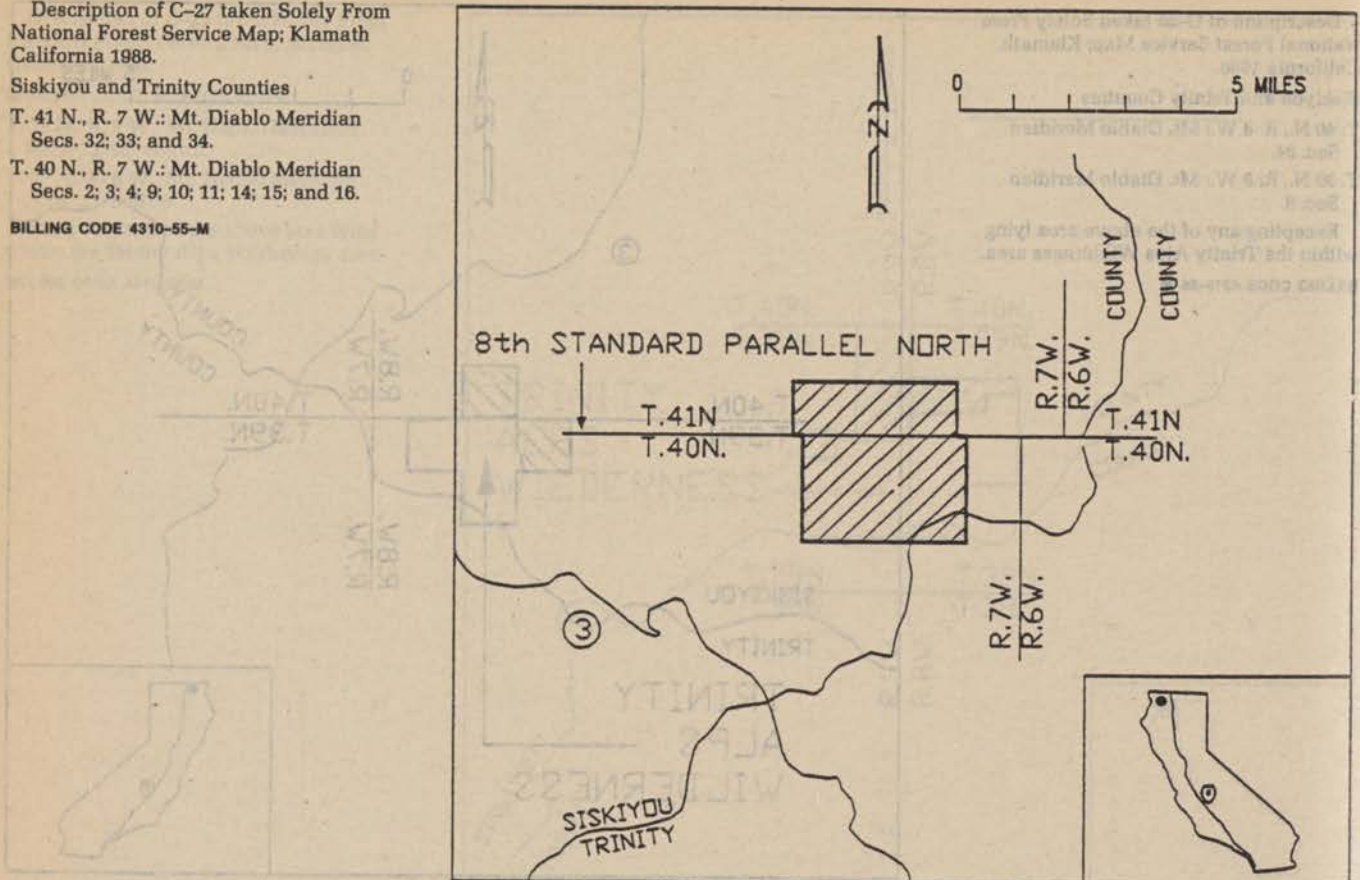
Description of C-27 taken Solely From
National Forest Service Map; Klamath
California 1988.

Siskiyou and Trinity Counties

T. 41 N., R. 7 W.: Mt. Diablo Meridian
Secs. 32; 33; and 34.

T. 40 N., R. 7 W.: Mt. Diablo Meridian
Secs. 2; 3; 4; 9; 10; 11; 14; 15; and 16.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

C-27

Description of C-28 taken Solely From
National Forest Service Map; Klamath,
California 1988.

Siskiyou County

T. 48 N., R. 3 W.: Mt. Diablo Meridian
Sec. 32.

T. 47 N., R. 3 W.: Mt. Diablo Meridian
Secs. 4; 5; 8; 17; 32; and 34.

T. 47 N., R. 4 W.: Mt. Diablo Meridian
Secs. 13; 23; 24; 25; 26; 33; 35; and 36.

T. 46 N., R. 4 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 9; 10; 11; 12; 13; 14; 15; 23; 24;
25; 26; 35; and 36.

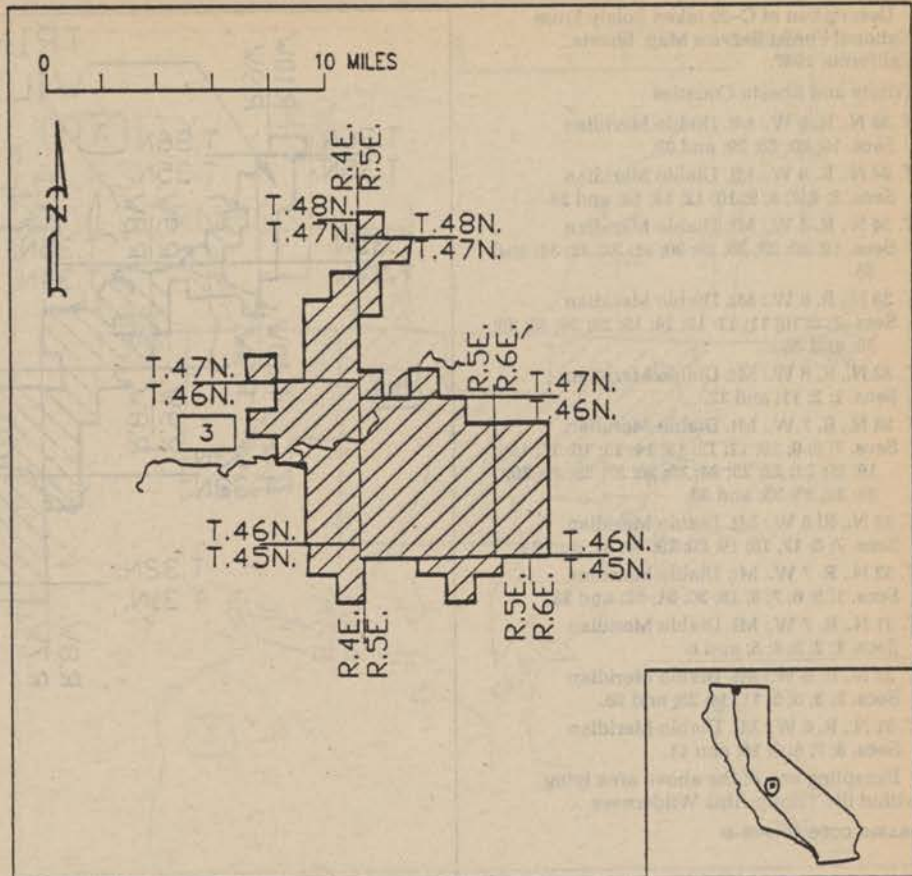
T. 46 N., R. 3 W.: Mt. Diablo Meridian
Secs. 2; 3; 4; 5; 8; 9; 10; 11; 12; 13; 14; 15; 16;
17; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 32;
33; 34; 35; and 36.

T. 46 N., R. 2 W.: Mt. Diablo Meridian
Secs. 7; 8; 17; 18; 19; 20; 29; 30; 31; and 32.

T. 45 N., R. 3 W.: Mt. Diablo Meridian
Secs. 2; 3; 4; and 10.

T. 45 N., R. 4 W.: Mt. Diablo Meridian
Secs. 1; 2; and 12.

BILLING CODE 4310-55-M



C-28

BILLING CODE 4310-55-C

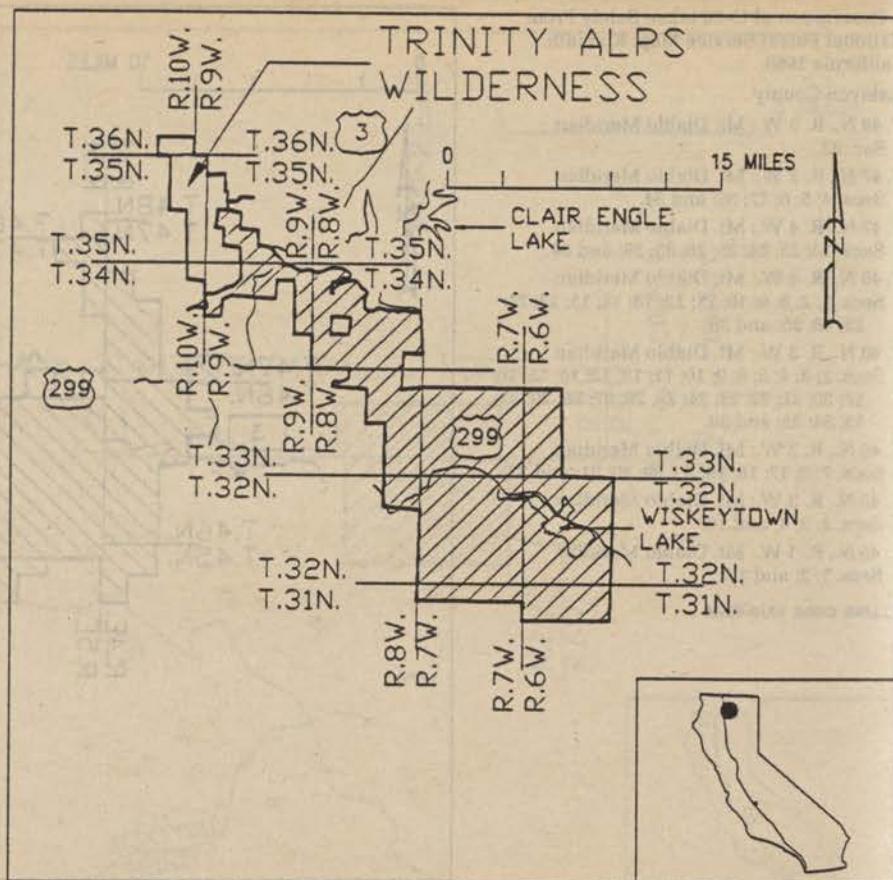
Description of C-29 taken Solely From
National Forest Service Map; Shasta,
California 1987.

Trinity and Shasta Counties

- T. 35 N., R. 9 W.: Mt. Diablo Meridian
Secs. 19; 20; 28; 29; and 33.
- T. 34 N., R. 9 W.: Mt. Diablo Meridian
Secs. 3; 4; 7; 8; 9; 10; 12; 13; 18; and 24.
- T. 34 N., R. 8 W.: Mt. Diablo Meridian
Secs. 19; 20; 25; 28; 29; 30; 31; 32; 33; 34; and
35.
- T. 33 N., R. 8 W.: Mt. Diablo Meridian
Secs. 2; 3; 10; 11; 12; 13; 14; 15; 23; 24; 25; 26;
35; and 36.
- T. 32 N., R. 8 W.: Mt. Diablo Meridian
Secs. 1; 2; 11; and 12.
- T. 33 N., R. 7 W.: Mt. Diablo Meridian
Secs. 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18;
19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30;
31; 32; 33; 35; and 36.
- T. 33 N., R. 6 W.: Mt. Diablo Meridian
Secs. 7; 8; 17; 18; 19; 20; 29; 30; 31; and 32.
- T. 32 N., R. 7 W.: Mt. Diablo Meridian
Secs. 1; 5; 6; 7; 8; 18; 30; 31; 32; and 33.
- T. 31 N., R. 7 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; and 6.
- T. 32 N., R. 6 W.: Mt. Diablo Meridian
Secs. 2; 3; 5; 6; 11; 14; 23; and 26.
- T. 31 N., R. 6 W.: Mt. Diablo Meridian
Secs. 6; 7; 8; 9; 10; and 11.

Excepting any of the above area lying
within the Trinity Alps Wilderness.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

C-29

Description of C-30 taken Solely From
National Forest Service Map; Shasta,
California 1987.

Trinity County

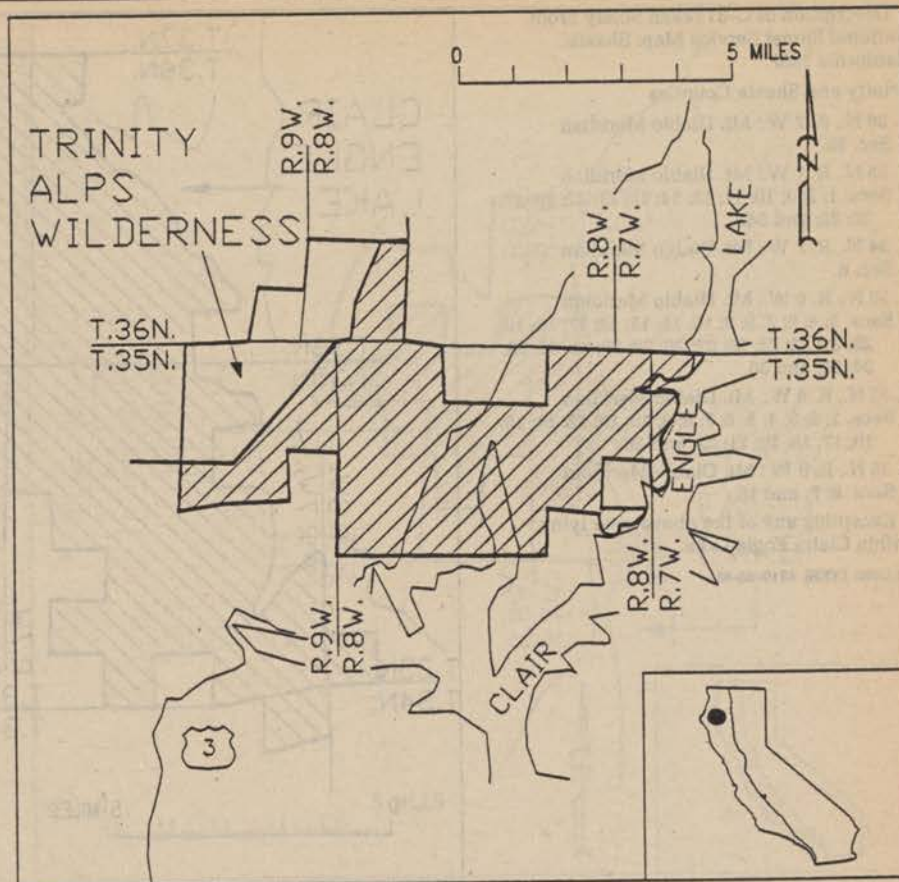
T. 36 N., R. 8 W.: Mt. Diablo Meridian
Secs. 29; and 32.

T. 35 N., R. 9 W.: Mt. Diablo Meridian
Secs. 1; 11; 12; 14; and 15.

T. 35 N., R. 8 W.: Mt. Diablo Meridian
Secs. 5; 6; 7; 8; 9; 17; 18; 19; and 20.

Excepting any of the above area lying
within the Trinity Alps Wilderness area.

BILLING CODE 4310-55-M



C-30

BILLING CODE 4310-55-C

Description of C-31 taken Solely From
National Forest Service Map; Shasta,
California 1987.

Trinity and Shasta Counties

T. 36 N., R. 7 W.: Mt. Diablo Meridian
Sec. 36.

T. 35 N., R. 7 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 10; 11; 12; 14; 15; 21; 22; 26; 27;
28; 32; and 34.

T. 34 N., R. 7 W.: Mt. Diablo Meridian
Sec. 6.

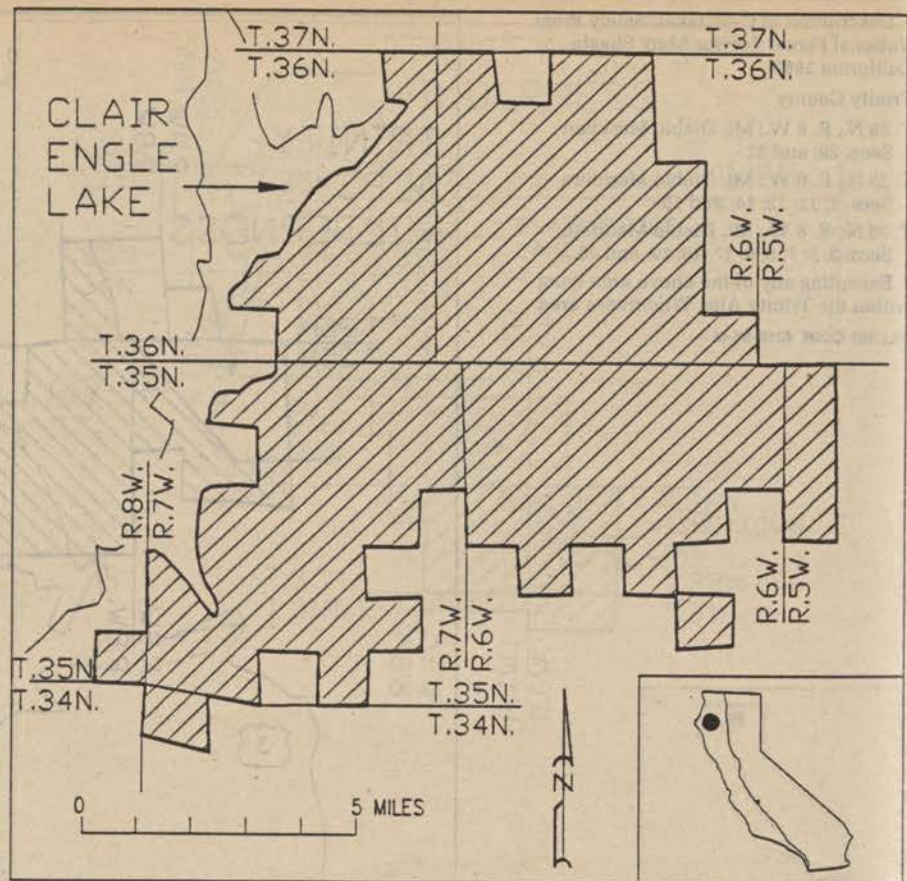
T. 36 N., R. 6 W.: Mt. Diablo Meridian
Secs. 3; 4; 6; 7; 8; 9; 10; 14; 15; 16; 17; 18; 19;
20; 21; 22; 23; 26; 27; 28; 29; 30; 31; 32; 33;
34; 35; and 36.

T. 35 N., R. 6 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 14; 15;
16; 17; 18; 20; 21; 22; and 26.

T. 35 N., R. 5 W.: Mt. Diablo Meridian
Secs. 6; 7; and 18.

Excepting any of the above area lying
within Claire Engle Lake.

BILLING CODE 4310-55-M



C-31

BILLING CODE 4310-55-C

Description of C-32 taken Solely From
National Forest Service Map; Shasta,
California 1987.

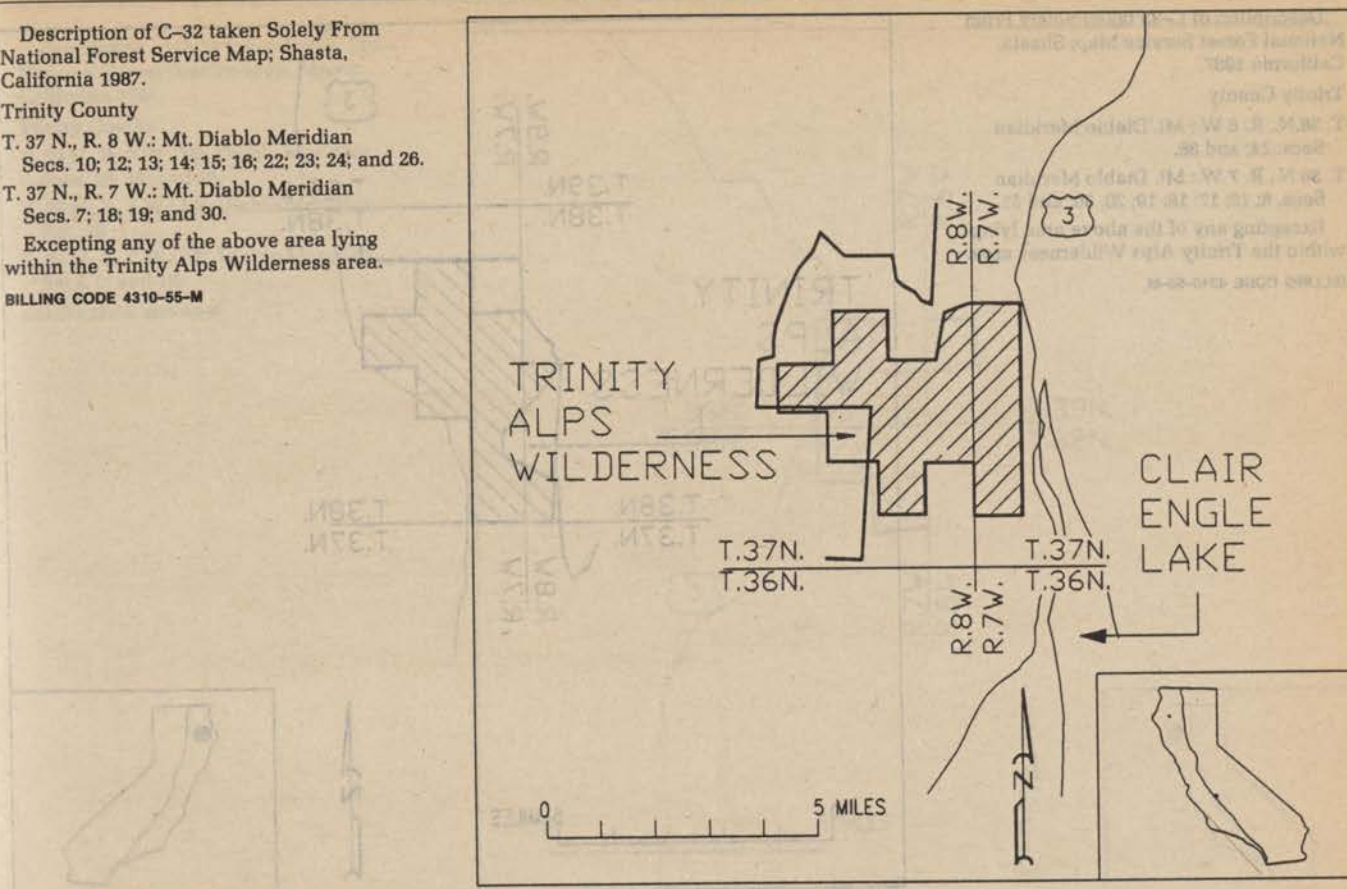
Trinity County

T. 37 N., R. 8 W.: Mt. Diablo Meridian
Secs. 10; 12; 13; 14; 15; 16; 22; 23; 24; and 26.

T. 37 N., R. 7 W.: Mt. Diablo Meridian
Secs. 7; 18; 19; and 30.

Excepting any of the above area lying
within the Trinity Alps Wilderness area.

BILLING CODE 4310-55-M



C-32

BILLING CODE 4310-55-C

Description of C-33 taken Solely From
National Forest Service Map; Shasta,
California 1987.

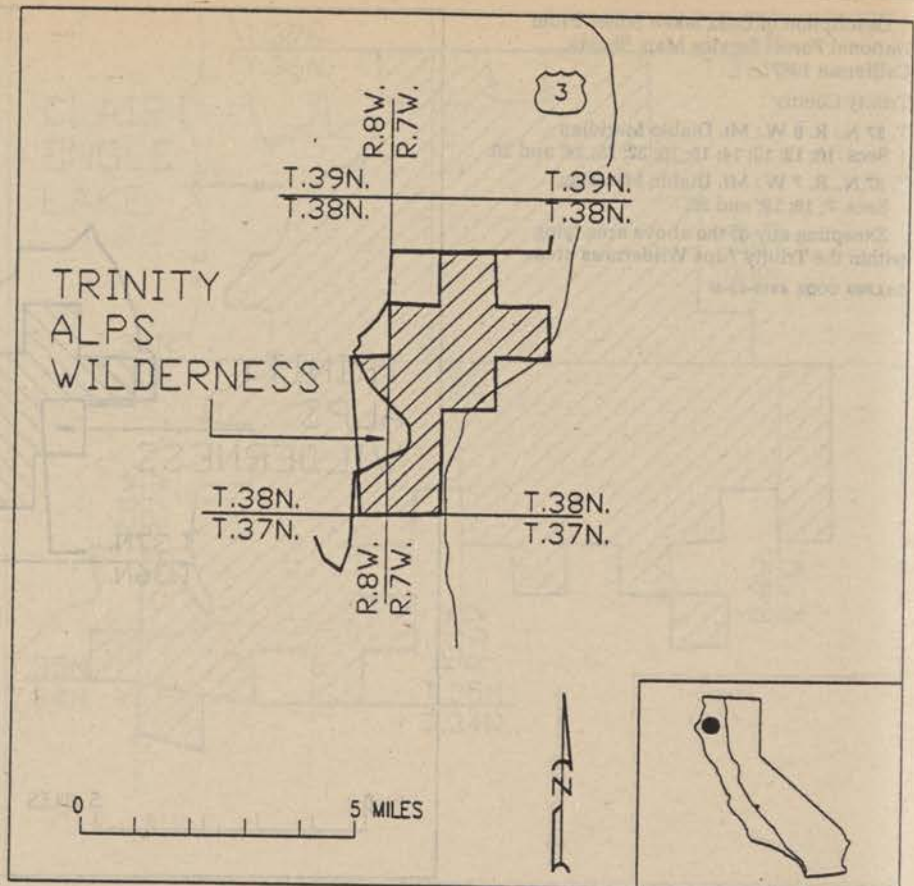
Trinity County

T. 38 N., R. 8 W.: Mt. Diablo Meridian
Secs. 24; and 36.

T. 38 N., R. 7 W.: Mt. Diablo Meridian
Secs. 8; 16; 17; 18; 19; 20; 30; and 31.

Excepting any of the above area lying
within the Trinity Alps Wilderness area.

BILLING CODE 4310-55-M



58-0

C-33

BILLING CODE 4310-55-C

Description of C-34 taken Solely From
National Forest Service Map; Shasta,
California 1987.

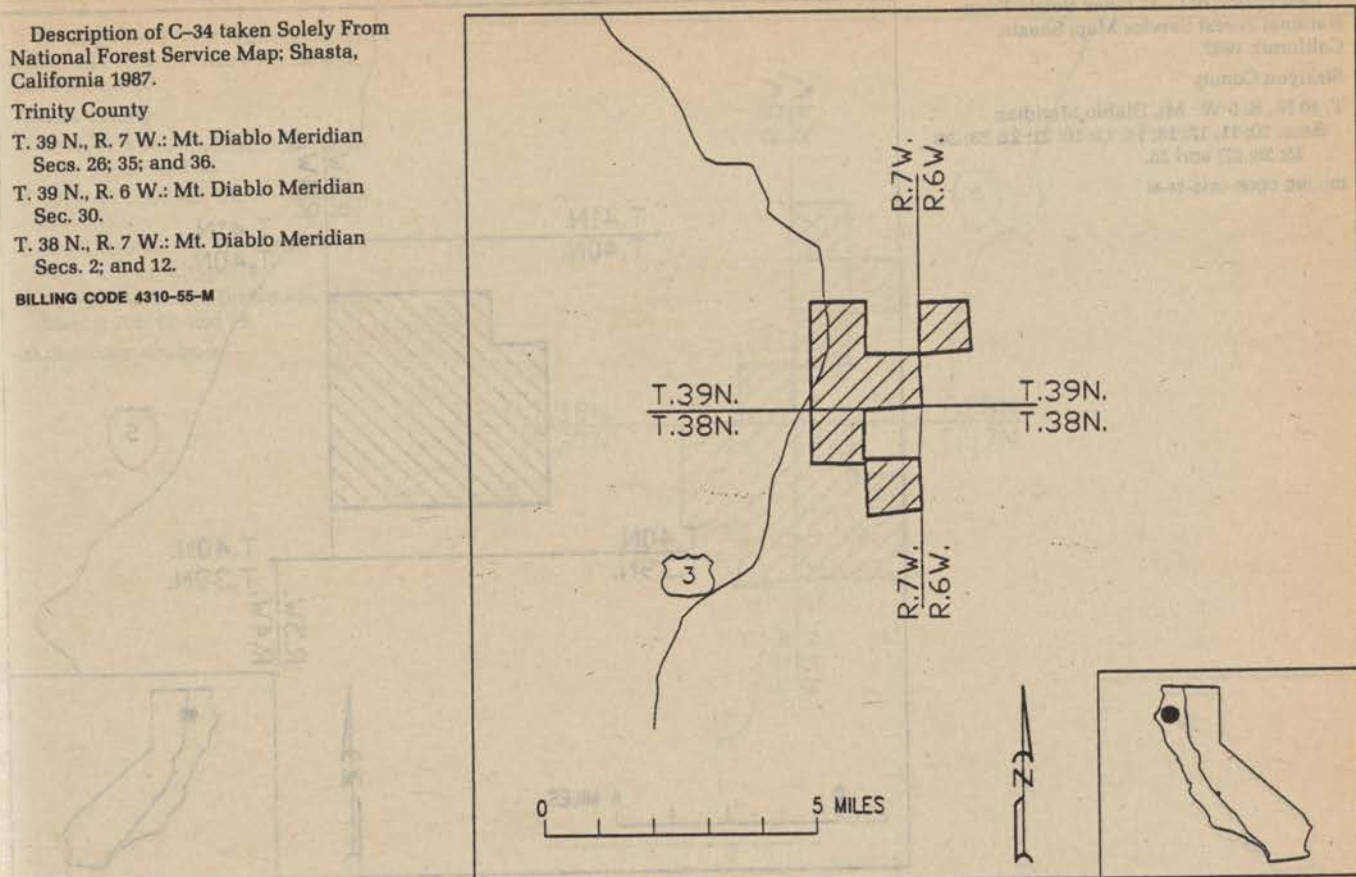
Trinity County

T. 39 N., R. 7 W.: Mt. Diablo Meridian
Secs. 26; 35; and 36.

T. 39 N., R. 6 W.: Mt. Diablo Meridian
Sec. 30.

T. 38 N., R. 7 W.: Mt. Diablo Meridian
Secs. 2; and 12.

BILLING CODE 4310-55-M



C-34

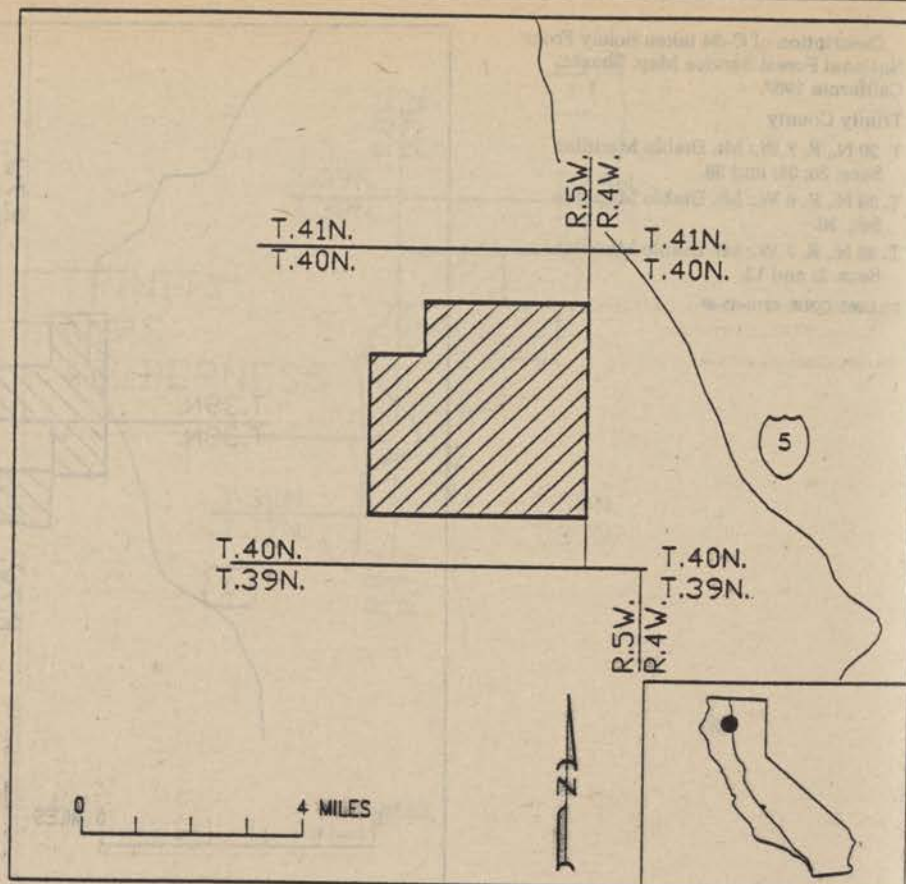
BILLING CODE 4310-55-C

Description of C-37 taken Solely From
National Forest Service Map; Shasta,
California 1987.

Siskiyou County

T. 40 N., R. 5 W.: Mt. Diablo Meridian
Secs. 10; 11; 12; 13; 14; 15; 16; 21; 22; 23; 24;
25; 26; 27; and 28.

BILLING CODE 4310-55-M



C-37

BILLING CODE 4310-55-C

Description of C-38 taken Solely From
National Forest Service Map; Shasta,
California 1987.

Shasta County

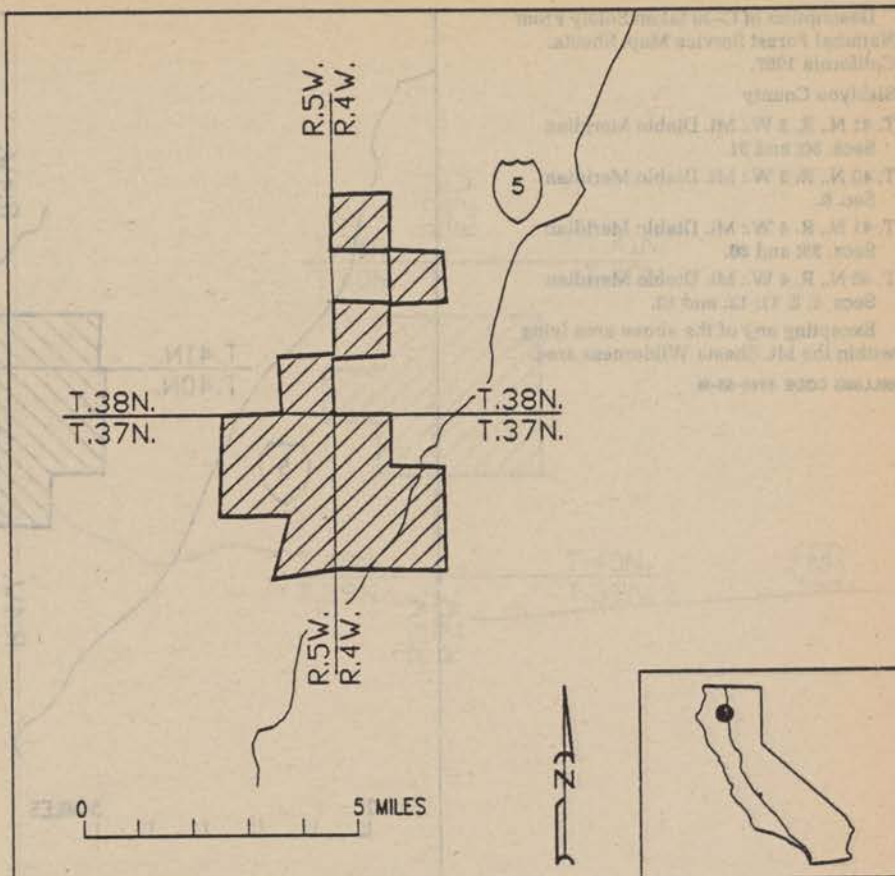
T. 38 N., R. 4 W.: Mt. Diablo Meridian
Secs. 18; 20; and 30.

T. 38 N., R. 5 W.: Mt. Diablo Meridian
Sec. 36.

T. 37 N., R. 5 W.: Mt. Diablo Meridian
Secs. 1; 2; 11; 12; and 13.

T. 37 N., R. 4 W.: Mt. Diablo Meridian
Secs. 6; 7; 8; 17; and 18.

BILLING CODE 4310-55-M



C-38

BILLING CODE 4310-55-C

Description of C-39 taken Solely From
National Forest Service Map; Shasta,
California 1987.

Siskiyou County

T. 41 N., R. 3 W.: Mt. Diablo Meridian
Secs. 30; and 31.

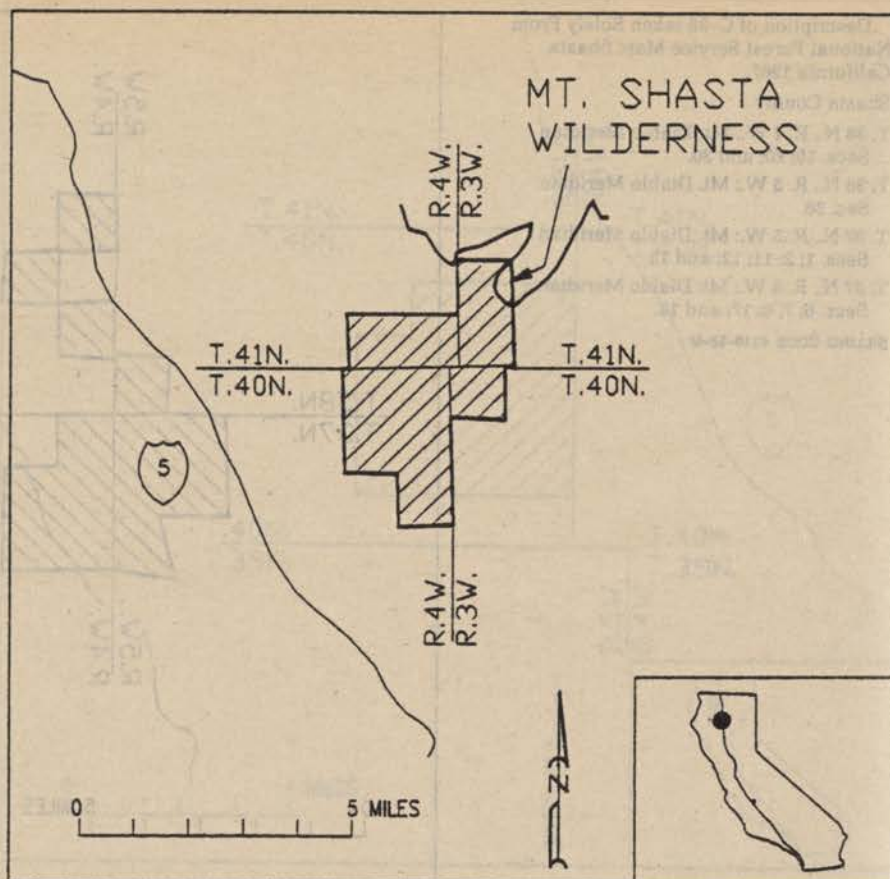
T. 40 N., R. 3 W.: Mt. Diablo Meridian
Sec. 6.

T. 41 N., R. 4 W.: Mt. Diablo Meridian
Secs. 35; and 36.

T. 40 N., R. 4 W.: Mt. Diablo Meridian
Secs. 1; 2; 11; 12; and 13.

Excepting any of the above area lying
within the Mt. Shasta Wilderness area.

BILLING CODE 4310-55-M



88-3

C-39

BILLING CODE 4310-55-C

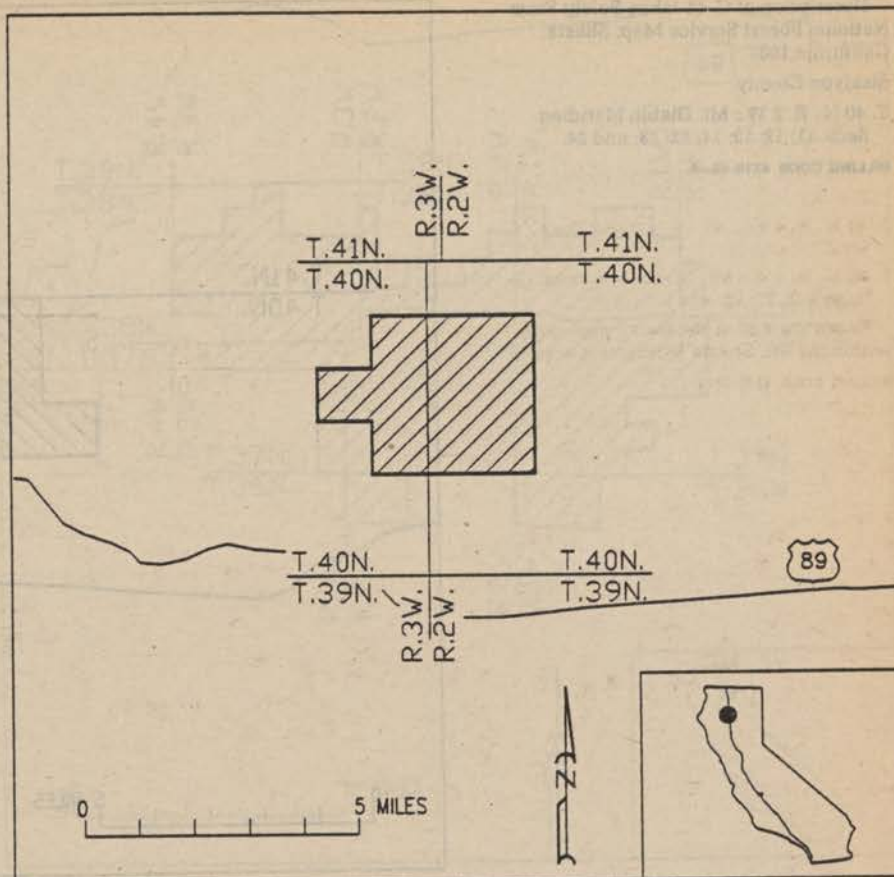
Description of C-40 taken Solely From
National Forest Service Map; Shasta,
California 1987.

Siskiyou County

T. 40 N., R. 3 W.: Mt. Diablo Meridian
Secs. 12; 13; 14; and 24.

T. 40 N., R. 2 W.: Mt. Diablo Meridian
Secs. 7; 8; 17; 18; 19; and 20.

BILLING CODE 4310-55-M



C-40

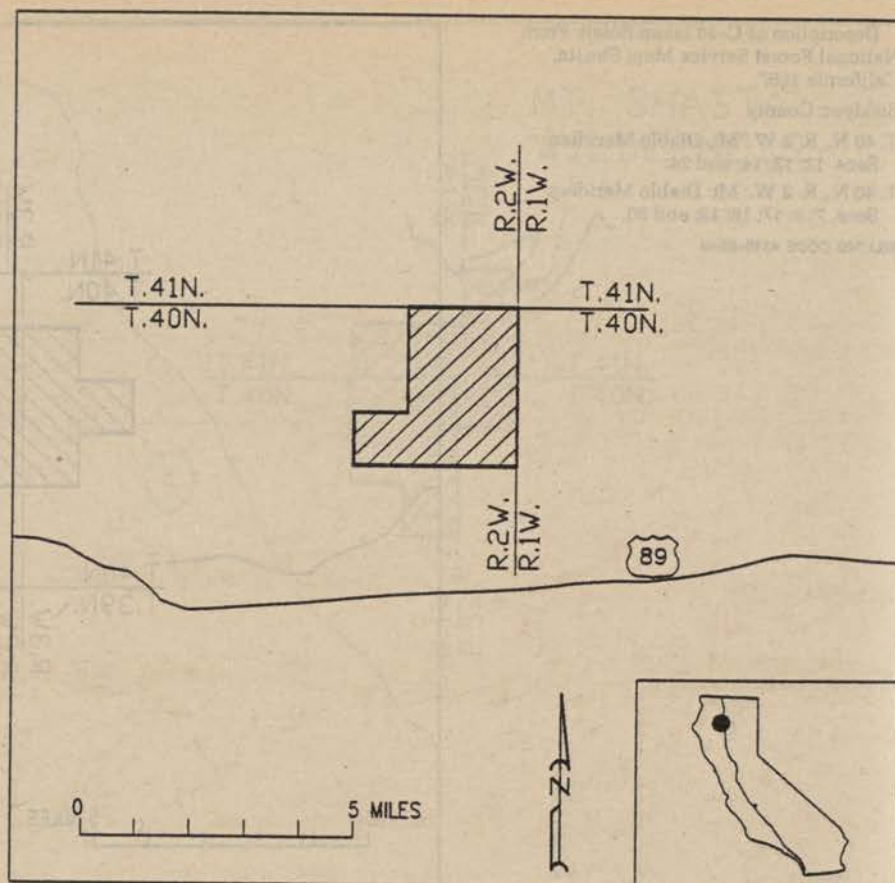
BILLING CODE 4310-55-C

Description of C-41 taken Solely From
National Forest Service Map; Shasta,
California 1987.

Siskiyou County

T. 40 N., R. 2 W.: Mt. Diablo Meridian
Secs. 11; 12; 13; 14; 22; 23; and 24.

BILLING CODE 4310-55-M



C-41

BILLING CODE 4310-55-C

Description of C-42 taken Solely From
National Forest Service Map; Shasta,
California 1987.

Shasta County

T. 38 N., R. 3 W.: Mt. Diablo Meridian
Secs. 4; 8; 9; 13; 14; 15; 16; 17; 18; 19; 20; 21;
22; 23; 24; 25; 26; 27; 28; 29; 30; 32; 33; 34;
35; and 36.

T. 37 N., R. 3 W.: Mt. Diablo Meridian
Secs. 8; 9; 10; 11; 12; 13; 24; 25; and 36.

T. 38 N., R. 2 W.: Mt. Diablo Meridian
Secs. 18; 19; 24; 25; 26; 28; 30; 31; 32; 33; and
36.

T. 37 N., R. 2 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 36 N., R. 2 W.: Mt. Diablo Meridian
Secs. 5; 6; 7; and 8.

T. 38 N., R. 1 W.: Mt. Diablo Meridian
Secs. 14; 15; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

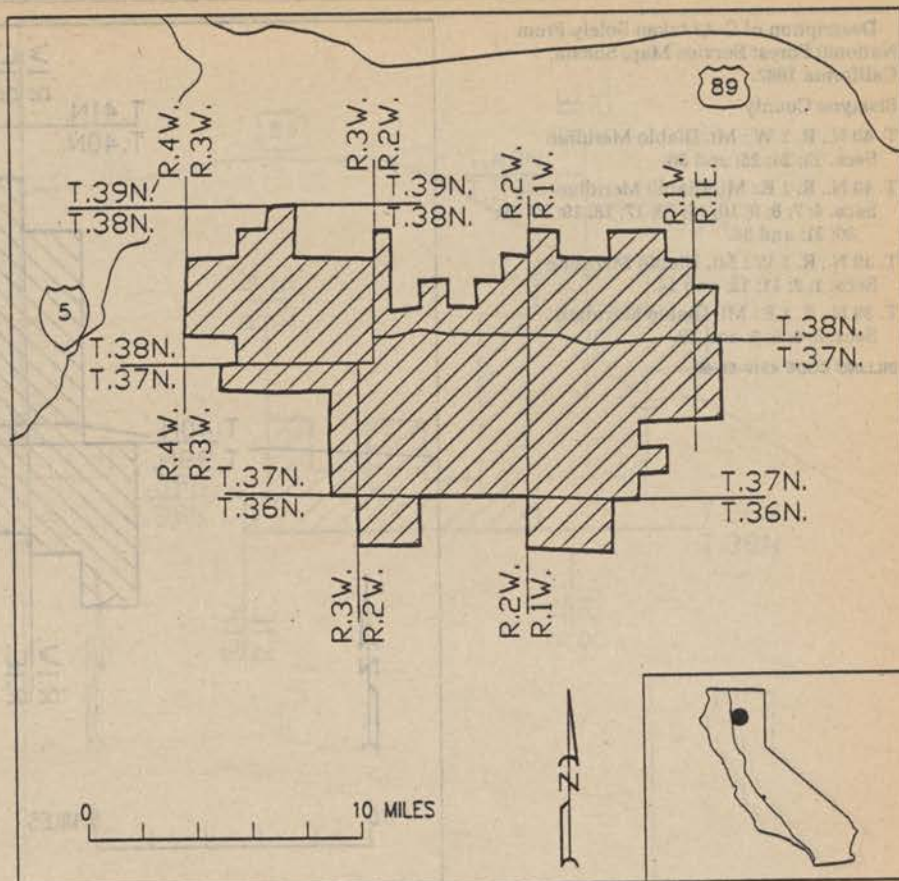
T. 38 N., R. 1 E.: Mt. Diablo Meridian
Secs. 30; and 31.

T. 37 N., R. 1 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 26; 27; 28; 29;
30; 31; 32; 33; and 34.

T. 36 N., R. 1 W.: Mt. Diablo Meridian
Secs. 4; 5; 6; 7; 8; and 9.

T. 37 N., R. 1 E.: Mt. Diablo Meridian
Secs. 6; 7; and 18.

BILLING CODE 4310-55-M



C-42

BILLING CODE 4310-55-C

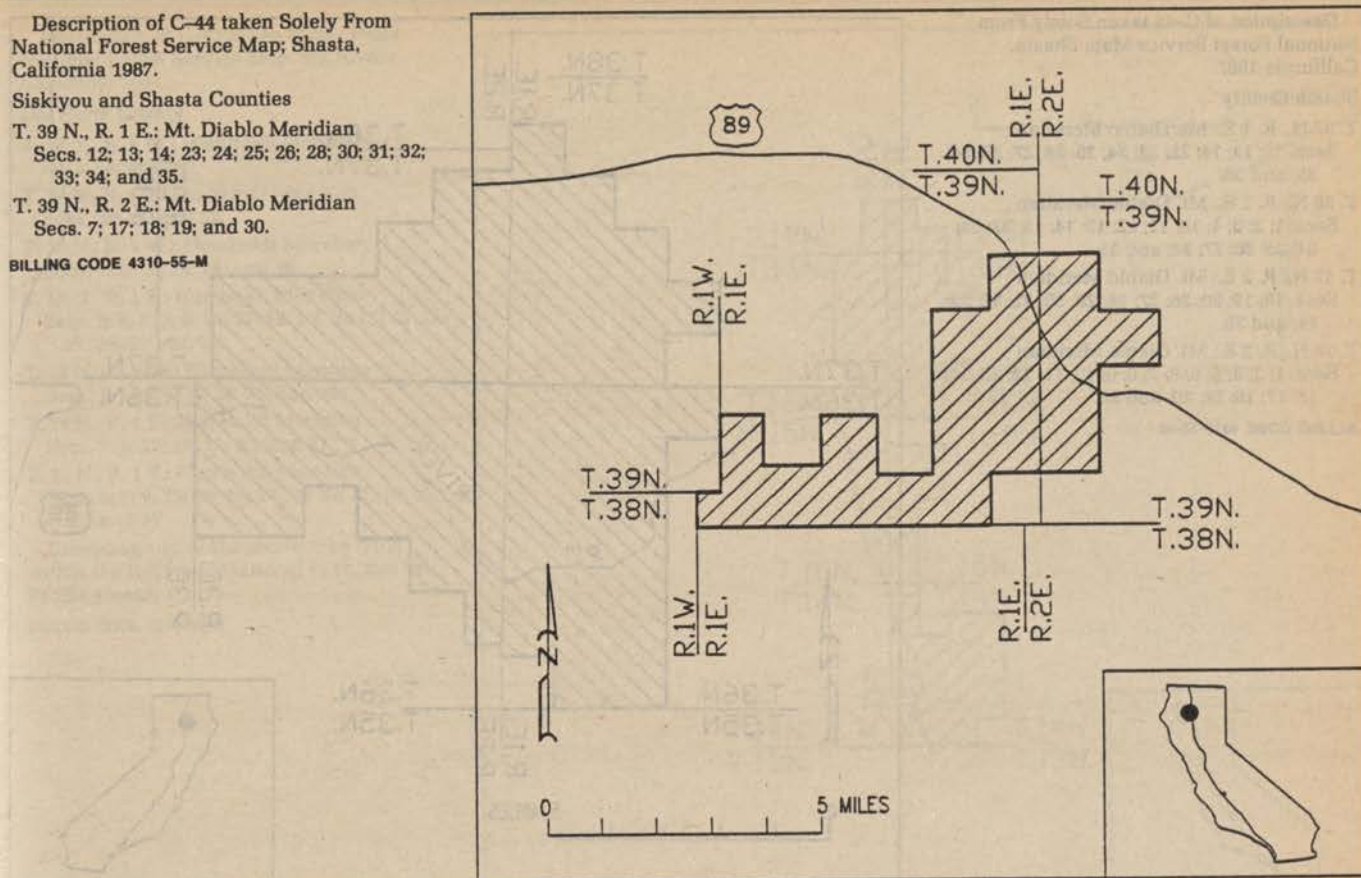
Description of C-44 taken Solely From
National Forest Service Map; Shasta,
California 1987.

Siskiyou and Shasta Counties

T. 39 N., R. 1 E.: Mt. Diablo Meridian
Secs. 12; 13; 14; 23; 24; 25; 26; 28; 30; 31; 32;
33; 34; and 35.

T. 39 N., R. 2 E.: Mt. Diablo Meridian
Secs. 7; 17; 18; 19; and 30.

BILLING CODE 4310-55-M



C-44

BILLING CODE 4310-55-C

Description of C-45 taken Solely From
National Forest Service Map; Shasta,
California 1987.

Shasta County

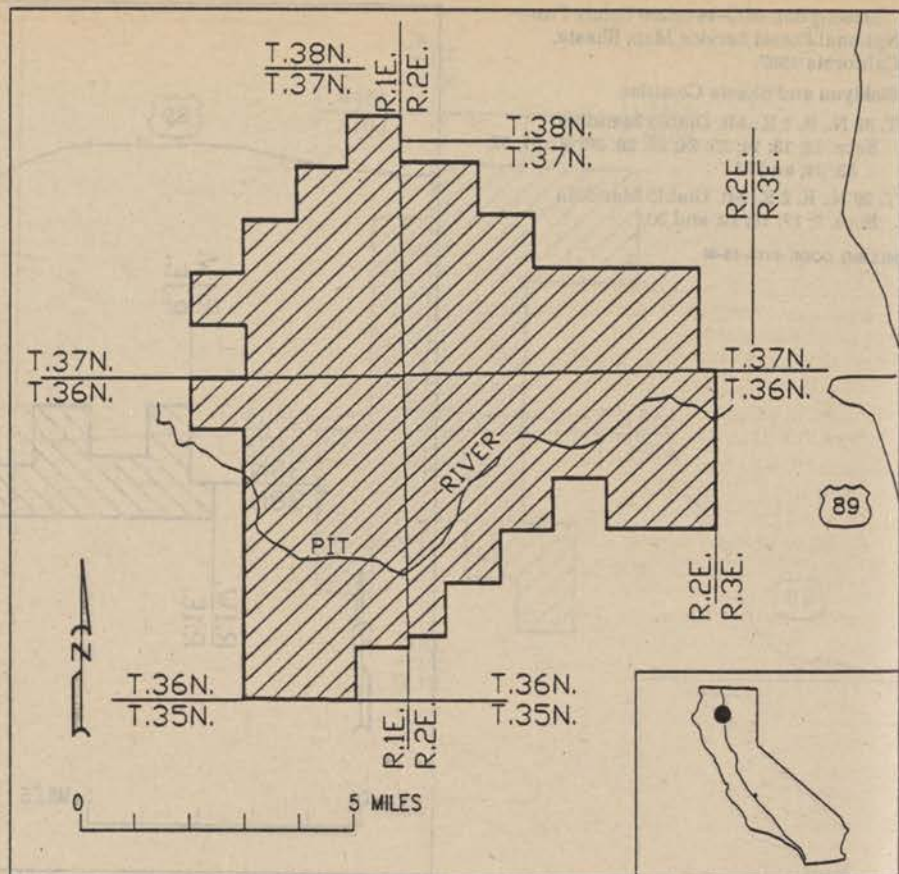
T. 37 N., R. 1 E.: Mt. Diablo Meridian
Secs. 12; 13; 14; 22; 23; 24; 25; 26; 27; 28; 34;
35; and 36.

T. 36 N., R. 1 E.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 10; 11; 12; 13; 14; 15; 22; 23;
24; 25; 26; 27; 34; and 35.

T. 37 N., R. 2 E.: Mt. Diablo Meridian
Secs. 18; 19; 20; 26; 27; 28; 29; 30; 31; 32; 33;
34; and 35.

T. 36 N., R. 2 E.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
16; 17; 18; 19; 20; and 30.

BILLING CODE 4310-55-M



C-45

BILLING CODE 4310-55-C

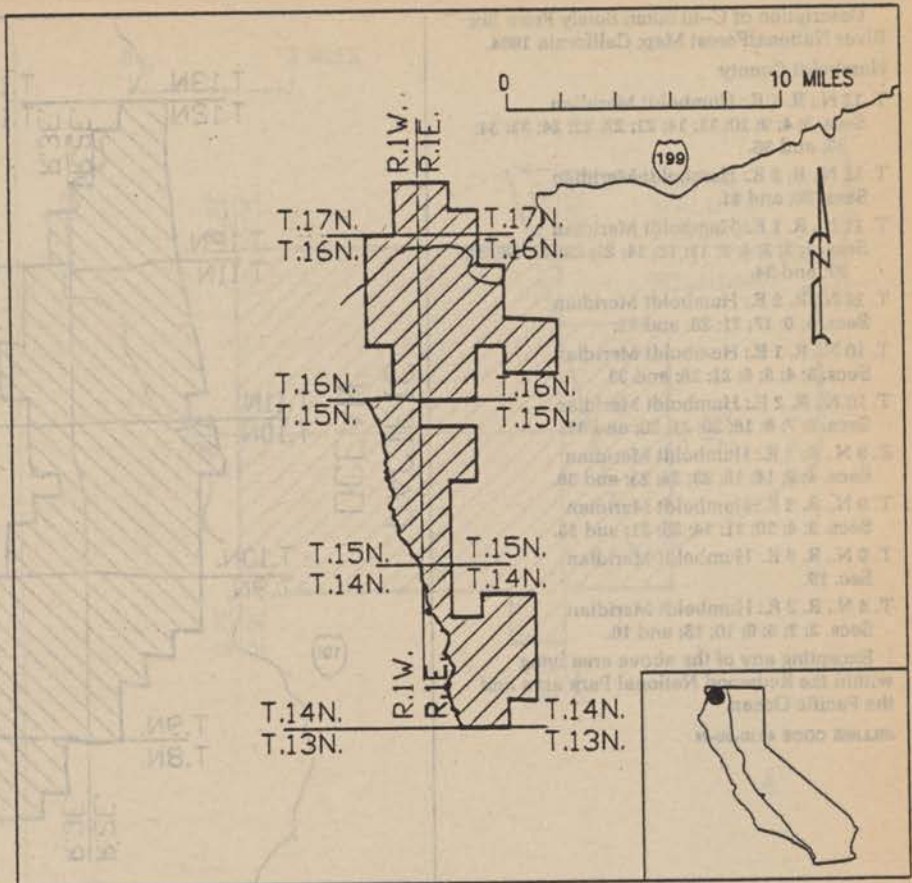
Description of C-47 taken Solely From
National Forest Service Map; Six Rivers,
California 1984.

Del Norte County

- T. 17 N., R. 1 W.: Humboldt Meridian
Secs. 25; and 36.
T. 17 N., R. 1 E.: Humboldt Meridian
Secs. 30; 31; and 32.
T. 16 N., R. 1 W.: Humboldt Meridian
Secs. 1; 2; 11; 14; 23; and 36.
T. 16 N., R. 1 E.: Humboldt Meridian
Secs. 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 23; 26;
27; 29; 31; and 32.
T. 15 N., R. 1 W.: Humboldt Meridian
Secs. 1; 12; 13; 23; 24; 25; and 36.
T. 15 N., R. 1 E.: Humboldt Meridian
Secs. 7; 8; 17; 18; 19; 30; and 31.
T. 14 N., R. 1 E.: Humboldt Meridian
Secs. 6; 7; 9; 10; 15; 16; 17; 20; 22; 27; 28; 29;
32; and 33.

Excepting any of the above area lying
within the Redwood National Park, and the
Pacific Ocean.

BILLING CODE 4310-55-M



84-2

C-47

BILLING CODE 4310-55-C

Description of C-48 taken Solely From Six River National Forest Map; California 1984.

Humboldt County

T. 12 N., R. 1 E.: Humboldt Meridian

Secs. 3; 4; 9; 10; 11; 14; 21; 22; 23; 24; 33; 34; 35; and 36.

T. 12 N., R. 2 E.: Humboldt Meridian

Secs. 30; and 31.

T. 11 N., R. 1 E.: Humboldt Meridian

Secs. 1; 2; 3; 4; 9; 11; 12; 14; 22; 23; 27; 28; 29; 33; and 34.

T. 11 N., R. 2 E.: Humboldt Meridian

Secs. 5; 8; 17; 21; 28; and 32.

T. 10 N., R. 1 E.: Humboldt Meridian

Secs. 3; 4; 5; 8; 21; 28; and 33.

T. 10 N., R. 2 E.: Humboldt Meridian

Secs. 5; 7; 8; 18; 20; 21; 29; and 33.

T. 9 N., R. 1 E.: Humboldt Meridian

Secs. 4; 9; 14; 15; 23; 24; 25; and 36.

T. 9 N., R. 2 E.: Humboldt Meridian

Secs. 3; 4; 10; 11; 14; 25; 31; and 35.

T. 9 N., R. 3 E.: Humboldt Meridian

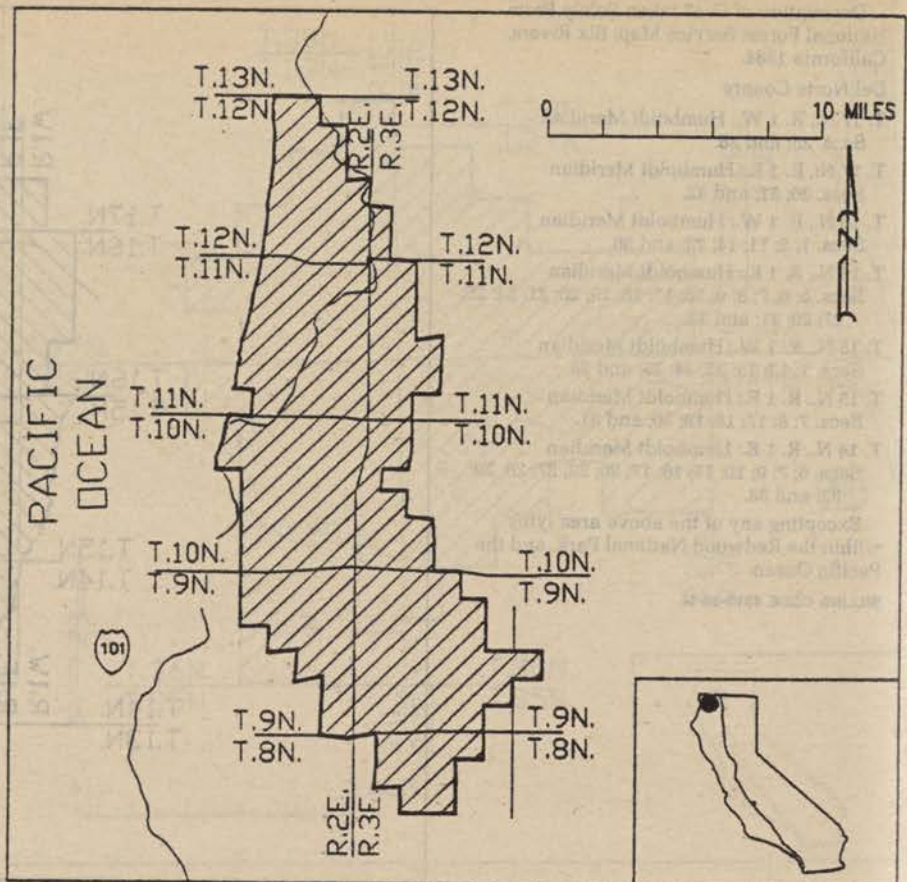
Sec. 19.

T. 8 N., R. 2 E.: Humboldt Meridian

Secs. 2; 3; 5; 8; 10; 15; and 16.

Excepting any of the above area lying within the Redwood National Park area and the Pacific Ocean.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

C-48

Description of C-53 taken Solely From
Bureau of Land Management Maps; Hoopa
1983 and Hayfork 1982, California.

Humboldt County

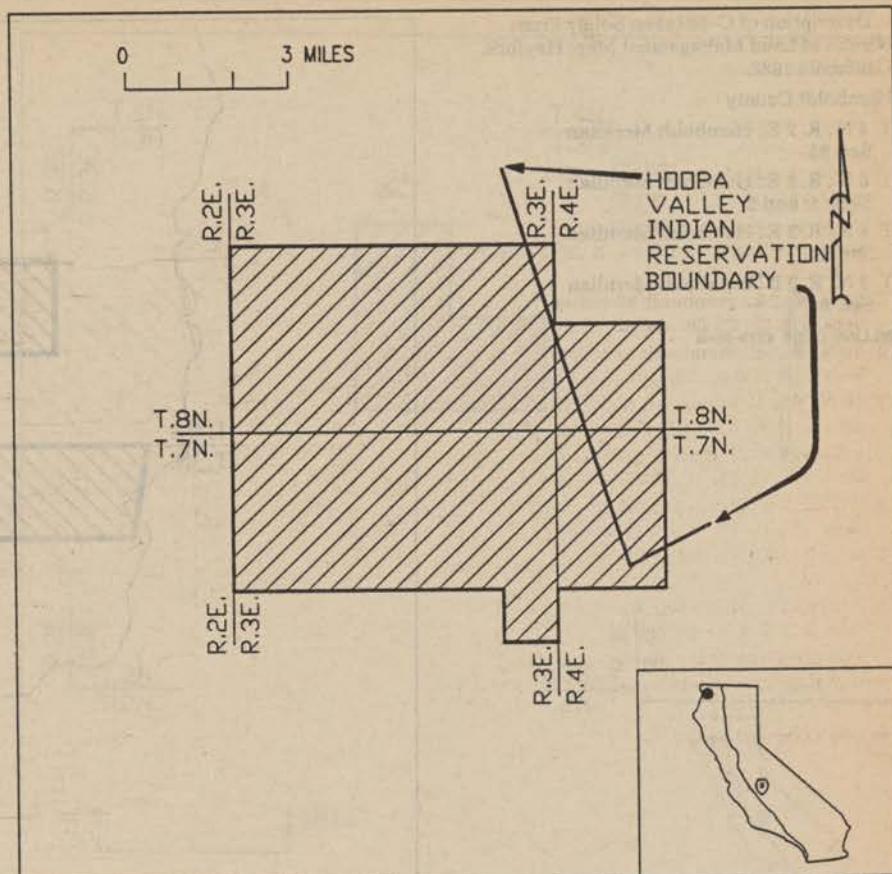
T. 8 N., R. 3 E.: Humboldt Meridian
Secs. 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.

T. 7 N., R. 3 E.: Humboldt Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; and 24.

T. 8 N., R. 4 E.: Humboldt Meridian
Secs. 29; 30; 31; and 32.

T. 7 N., R. 4 E.: Humboldt Meridian
Secs. 5; 6; 7; 8; 17; 18; 29; and 30.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

C-53

Description of C-54 taken Solely From
Bureau of Land Management Map; Hayfork,
California 1982.

Humboldt County

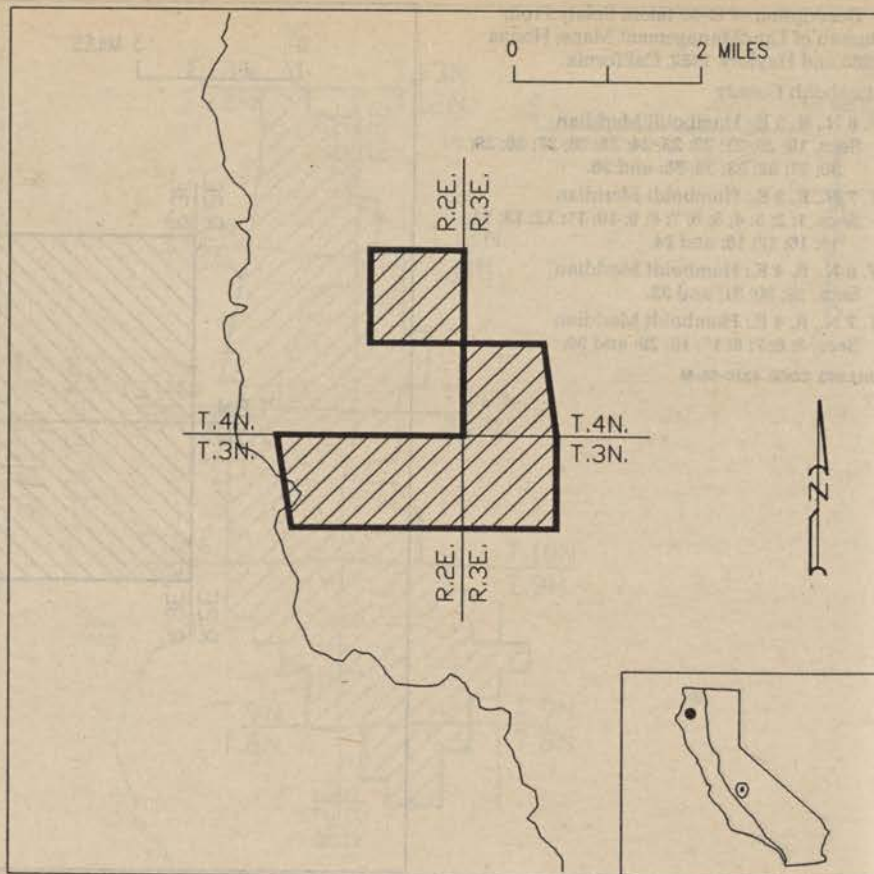
T. 4 N., R. 2 E.: Humboldt Meridian
Sec. 25.

T. 3 N., R. 2 E.: Humboldt Meridian
Secs. 1; and 2.

T. 4 N., R. 3 E.: Humboldt Meridian
Sec. 31.

T. 3 N., R. 3 E.: Humboldt Meridian
Sec. 6.

BILLING CODE 4310-55-M



C-54

C-54

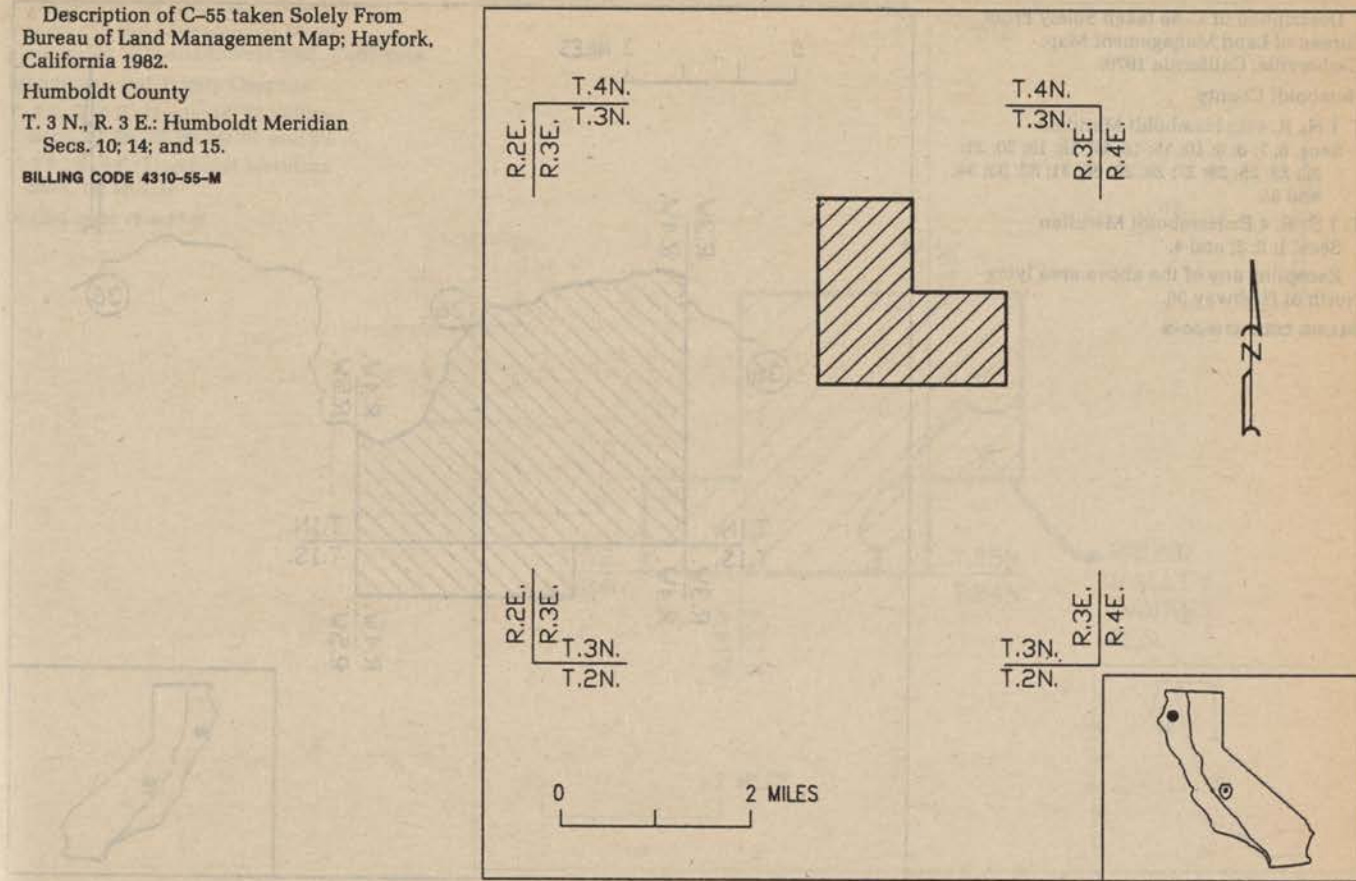
BILLING CODE 4310-55-C

Description of C-55 taken Solely From
Bureau of Land Management Map; Hayfork,
California 1982.

Humboldt County

T. 3 N., R. 3 E.: Humboldt Meridian
Secs. 10; 14; and 15.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

C-55

Description of C-56 taken Solely From
Bureau of Land Management Map;
Garberville, California 1979.

Humboldt County

T. 1 N., R. 4 E.: Humboldt Meridian

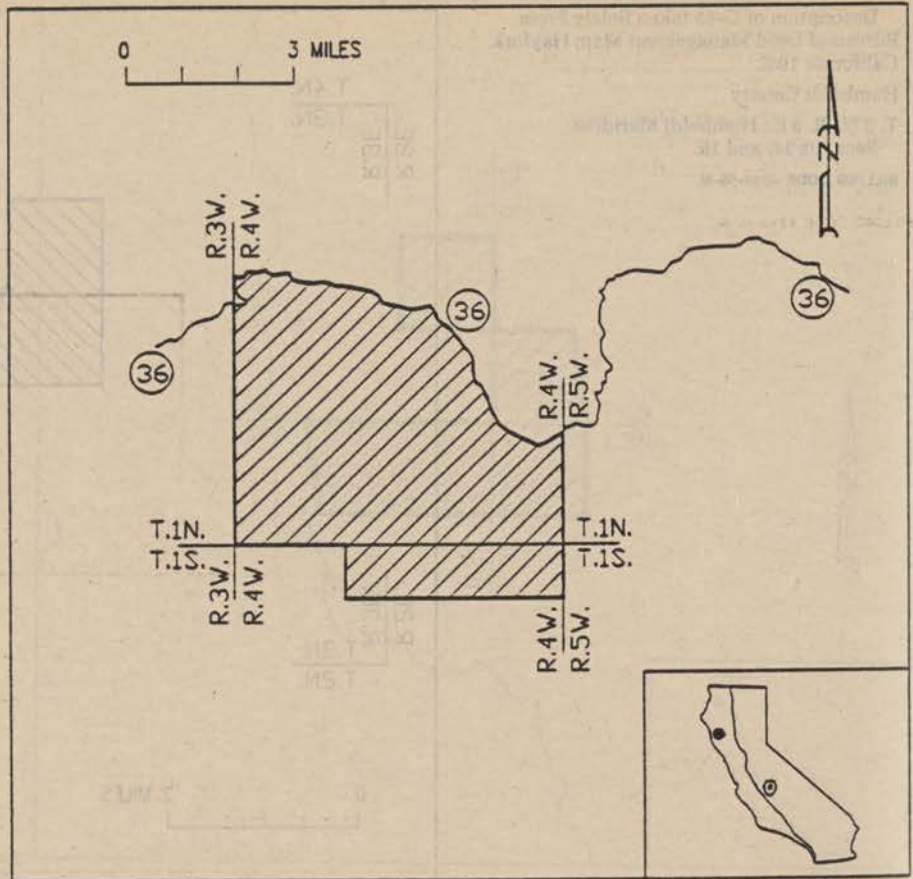
Secs. 6; 7; 8; 9; 10; 15; 16; 17; 18; 19; 20; 21;
22; 23; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34;
and 35.

T. 1 S., R. 4 E.: Humboldt Meridian

Secs. 1; 2; 3; and 4.

Excepting any of the above area lying
North of Highway 36.

BILLING CODE 4310-55-M



C-56

BILLING CODE 4310-55-C

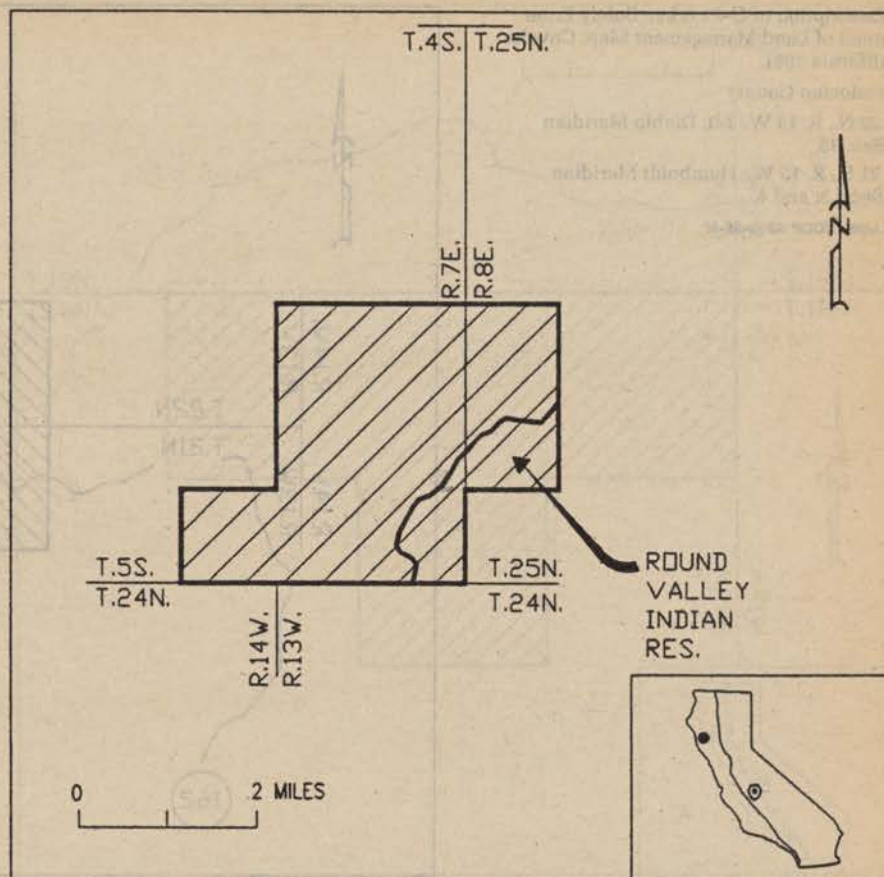
Description of C-62 taken Solely From
Bureau of Land Management Maps;
Garberville 1979 and Covelo 1981, California.

Mendocino and Trinity Counties

T. 5 S., R. 7 E.: Humboldt Meridian
Secs. 23; 24; 25; 26; 34; 35; and 36.

T. 5 S., R. 8 E.: Humboldt Meridian
Secs. 19; and 30.

BILLING CODE 4310-55-M



C-62

BILLING CODE 4310-55-C

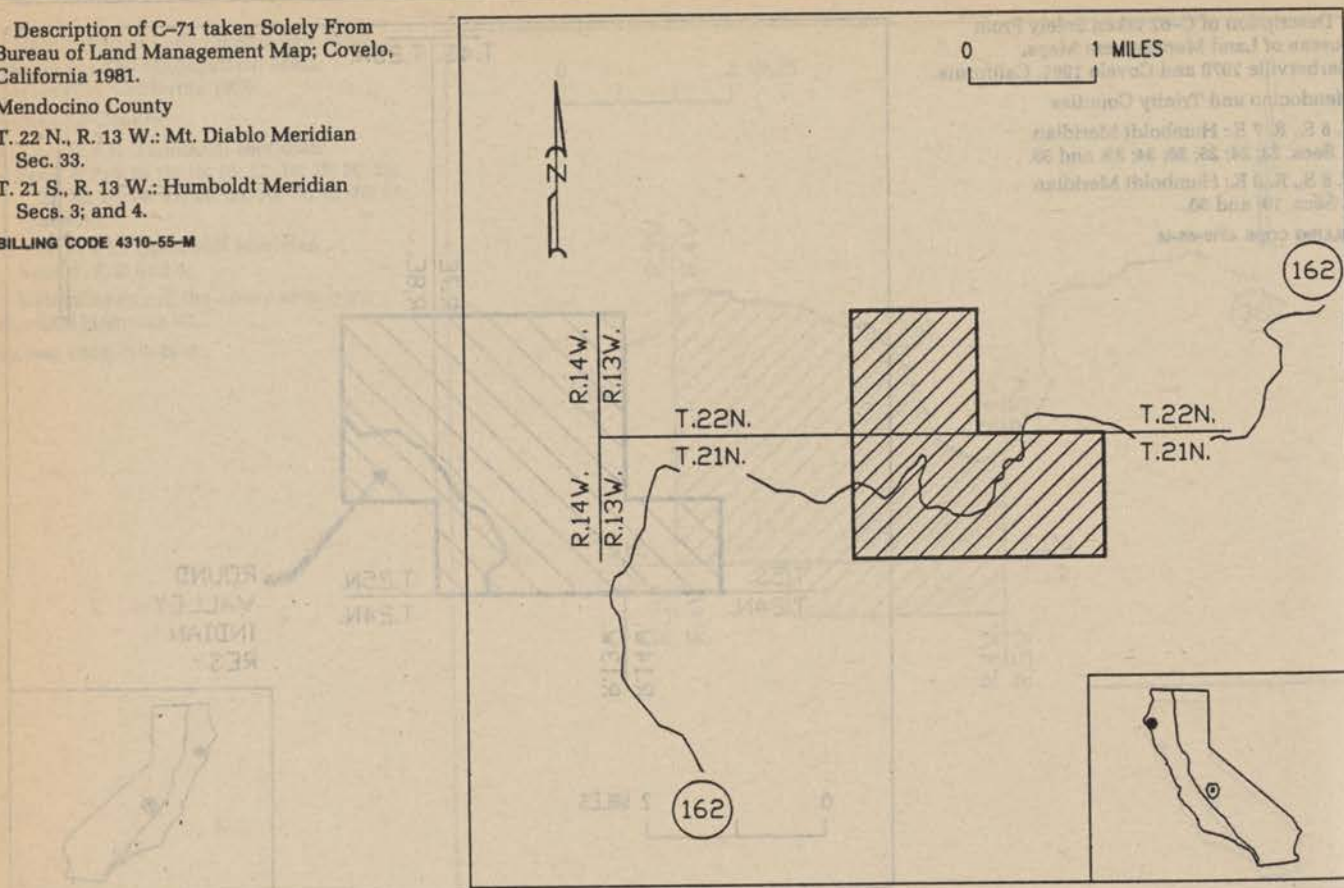
Description of C-71 taken Solely From
Bureau of Land Management Map; Covelo,
California 1981.

Mendocino County

T. 22 N., R. 13 W.: Mt. Diablo Meridian
Sec. 33.

T. 21 S., R. 13 W.: Humboldt Meridian
Secs. 3; and 4.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

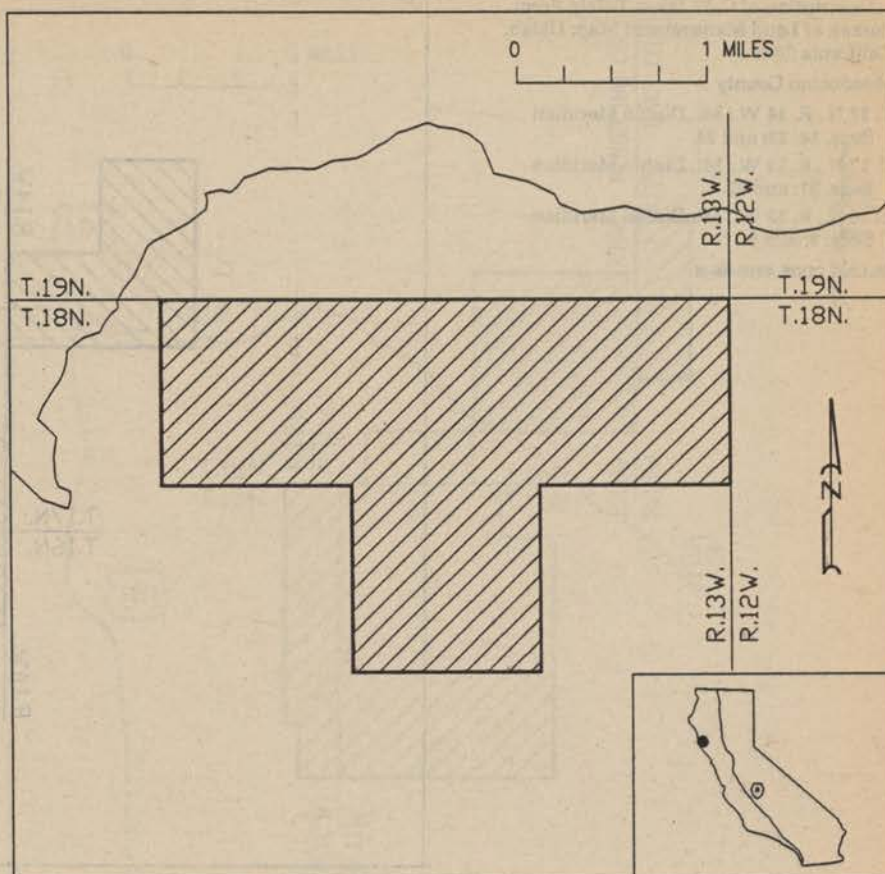
C-71

Description of C-76 taken Solely From
Bureau of Land Management Map; Ukiah,
California 1981.

Mendocino County

T. 18 N., R. 13 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; and 11.

BILLING CODE 4310-55-M



C-76

BILLING CODE 4310-55-C

Description of C-77 taken Solely From
Bureau of Land Management Map; Ukiah,
California 1981.

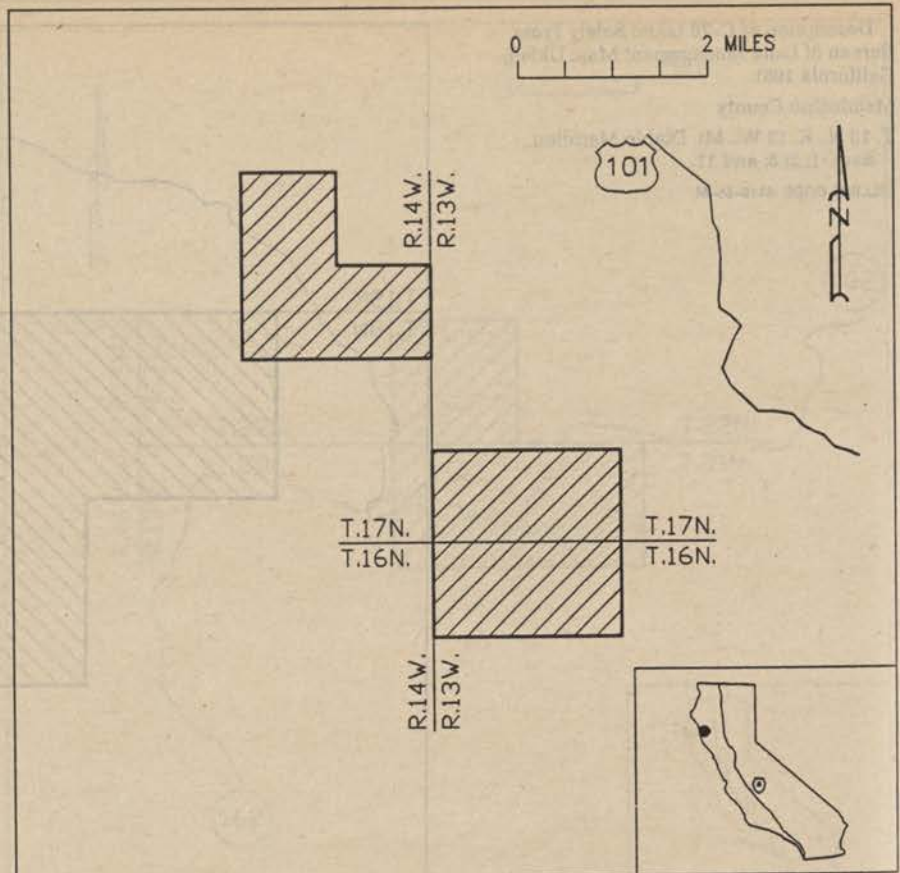
Mendocino County

T. 17 N., R. 14 W.: Mt. Diablo Meridian
Secs. 14; 23; and 24.

T. 17 N., R. 13 W.: Mt. Diablo Meridian
Secs. 31; and 32.

T. 16 N., R. 13 W.: Mt. Diablo Meridian
Secs. 5; and 6.

BILLING CODE 4310-55-M



C-77

BILLING CODE 4310-55-C

Description of C-79 taken Solely From
Bureau of Land Management Map; Ukiah,
California 1981.

Mendocino and Lake Counties

T. 16 N., R. 10 W.: Mt. Diablo Meridian
Secs. 7; 18; and 19.

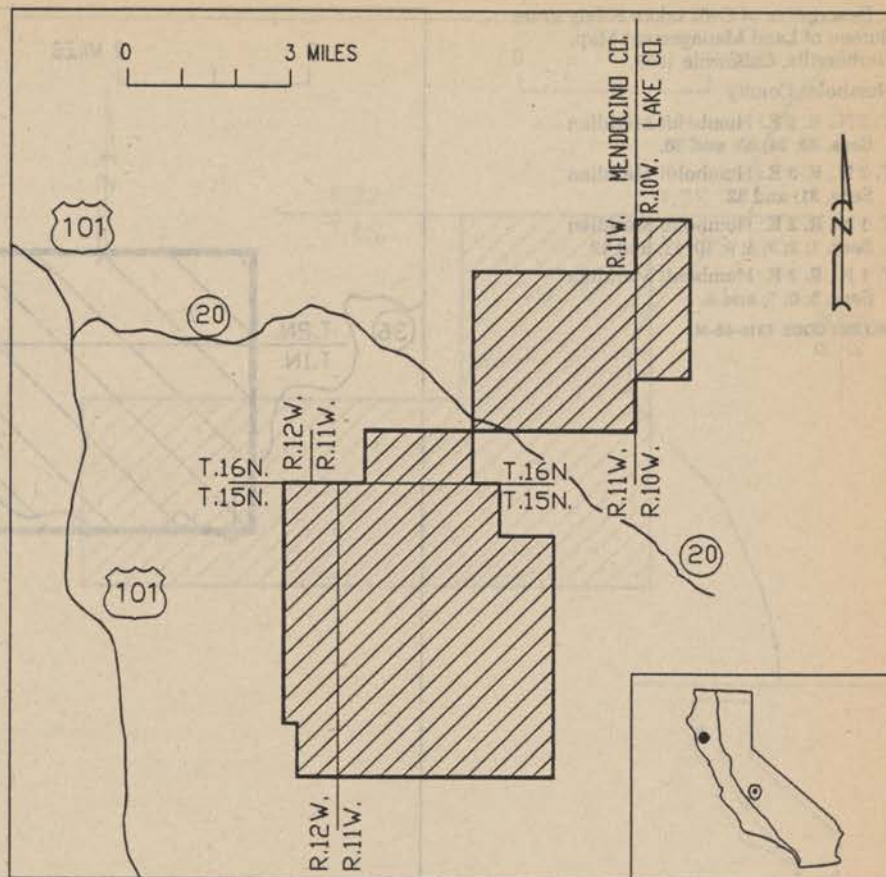
T. 16 N., R. 11 W.: Mt. Diablo Meridian
Secs. 13; 14; 15; 22; 23; 24; 25; 26; and 27.

T. 16 N., R. 12 W.: Mt. Diablo Meridian
Secs. 32 and 33.

T. 15 N., R. 11 W.: Mt. Diablo Meridian
Secs. 4; 5; 6; 7; 8; 9; 10; 15; 16; 17; 18; 19; 20;
21; 22; 27; 28; 29; and 30.

T. 15 N., R. 12 W.: Mt. Diablo Meridian
Secs. 1; 12; 13; 24; and 25.

BILLING CODE 4310-55-M



S8-0

C-79

BILLING CODE 4310-55-C

Description of C-82 taken Solely From
Bureau of Land Management Map;
Garberville, California 1979.

Humboldt County

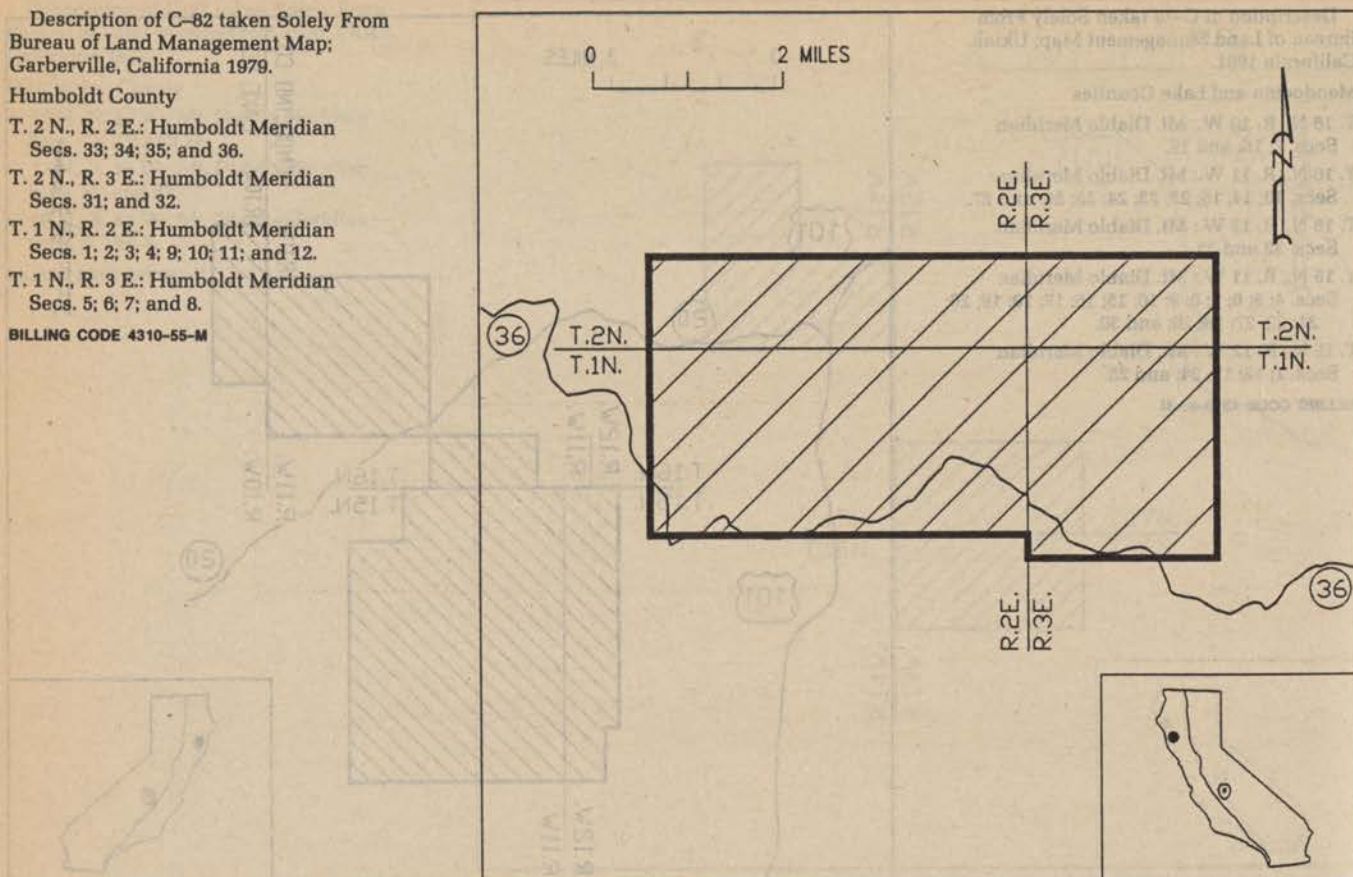
T. 2 N., R. 2 E.: Humboldt Meridian
Secs. 33; 34; 35; and 36.

T. 2 N., R. 3 E.: Humboldt Meridian
Secs. 31; and 32.

T. 1 N., R. 2 E.: Humboldt Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; and 12.

T. 1 N., R. 3 E.: Humboldt Meridian
Secs. 5; 6; 7; and 8.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

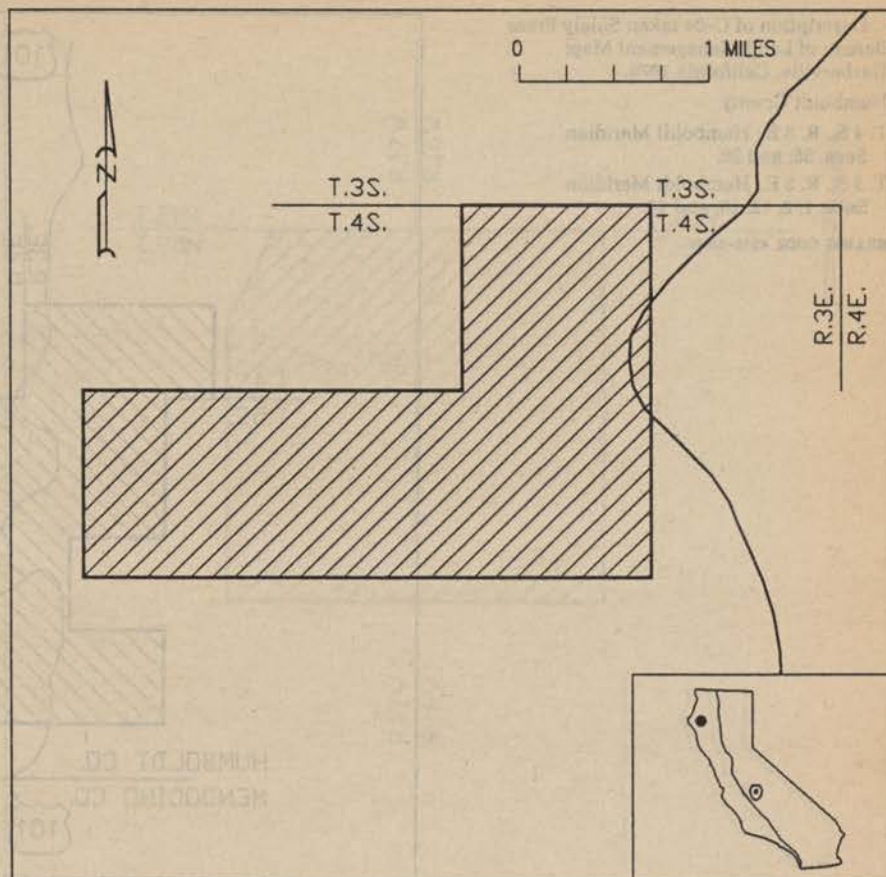
C-82

Description of C-83 taken Solely From
Bureau of Land Management Map;
Garberville, California 1979.

Humboldt County

T. 4 S., R. 3 E.: Humboldt Meridian
Secs. 2; 9; 10; and 11.

BILLING CODE 4310-55-M



C-83

BILLING CODE 4310-55-C

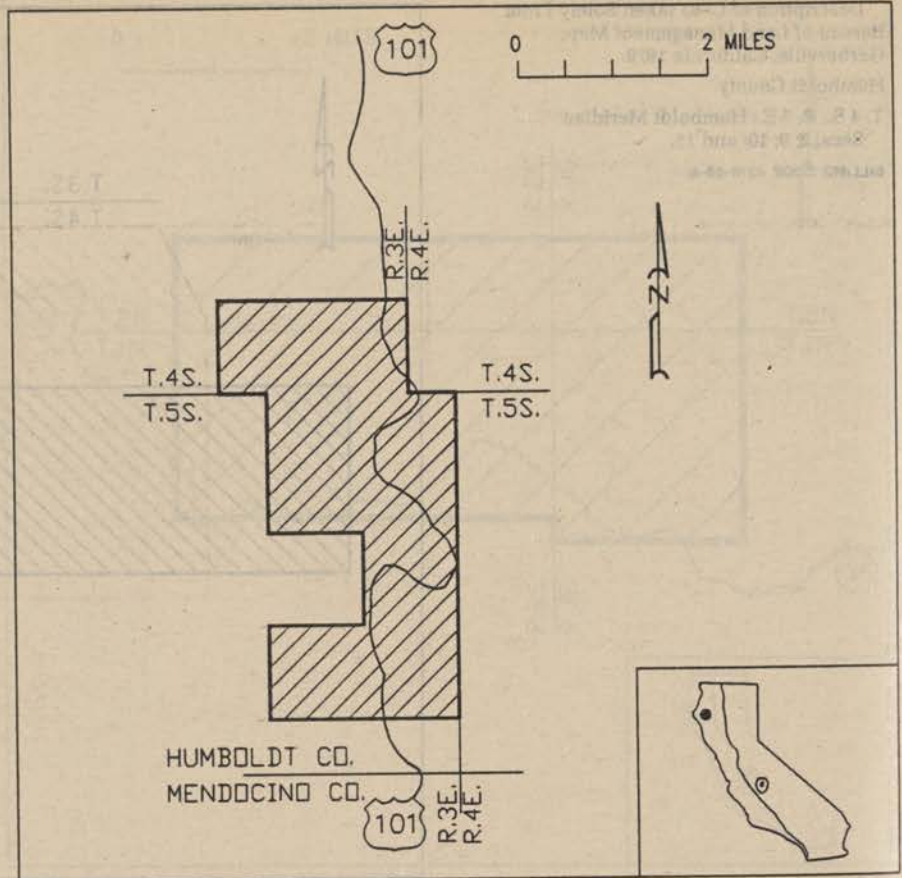
Description of C-84 taken Solely From
Bureau of Land Management Map;
Garberville, California 1979.

Humboldt County

T. 4 S., R. 3 E.: Humboldt Meridian
Secs. 35; and 36.

T. 5 S., R. 3 E.: Humboldt Meridian
Secs. 1; 2; 12; 13; and 14.

BILLING CODE 4310-55-M



88-2

C-84

BILLING CODE 4310-55-C

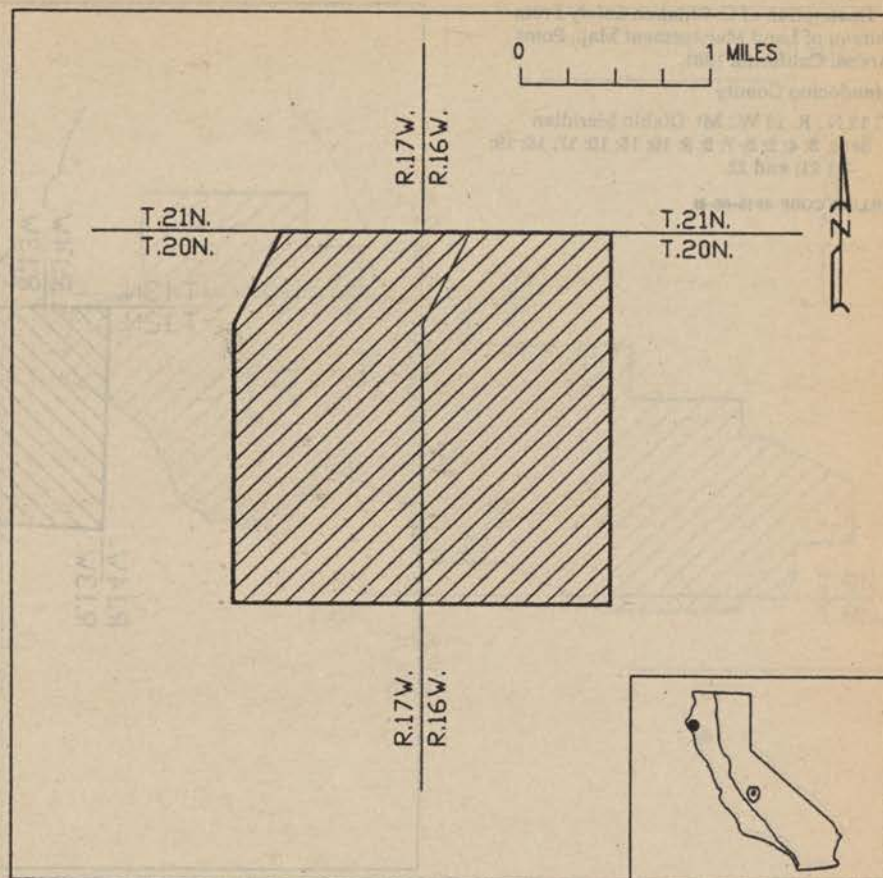
Description of C-86 taken Solely From
Bureau of Land Management Map; Covelo,
California 1981.

Mendocino County

T. 20 N., R. 17 W.: Mt. Diablo Meridian
Secs. 1; and 12.

T. 20 N., R. 16 W.: Mt. Diablo Meridian
Secs. 6; and 7.

BILLING CODE 4310-55-M



C-86

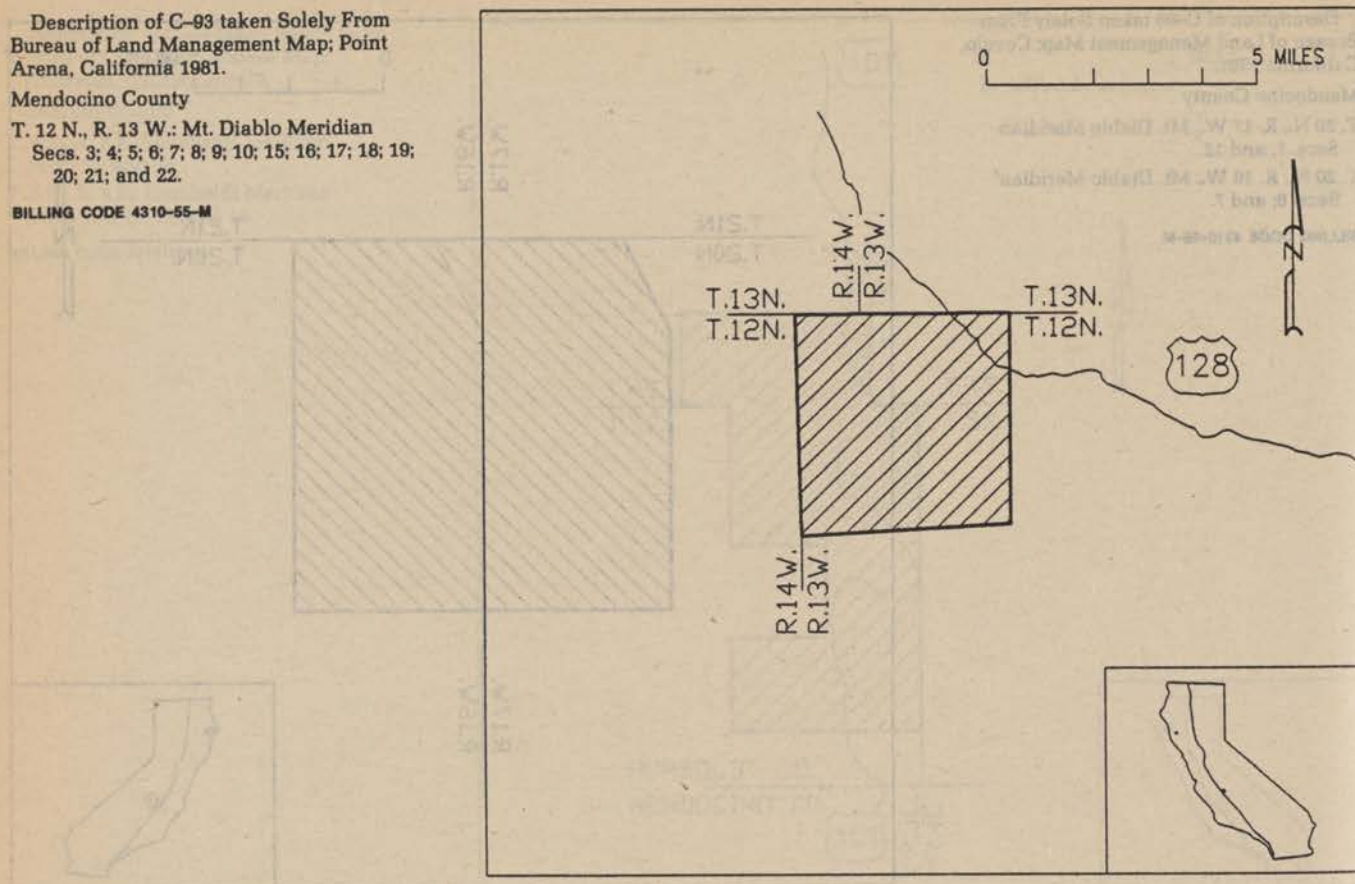
BILLING CODE 4310-55-C

Description of C-93 taken Solely From
Bureau of Land Management Map; Point
Arena, California 1981.

Mendocino County

T. 12 N., R. 13 W.: Mt. Diablo Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 15; 16; 17; 18; 19;
20; 21; and 22.

BILLING CODE 4310-55-M



28-7

C-93

BILLING CODE 4310-55-C

Description of C-96 taken Solely From
Bureau of Land Management Map;
Healdsburg, California 1972.

Lake, Napa, Sonoma Counties

T. 9 N., R. 6 W.: Mt. Diablo

Secs. 6; 7; 8; 9; 10; 13; 14; 15; 16; 17; 18; 19;
20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31;
32; 33; 34; 35; and 36.

T. 9 N., R. 5 W.: Mt. Diablo

Secs. 19; 20; 29; 30; and 31.

T. 10 N., R. 7 W.: Mt. Diablo

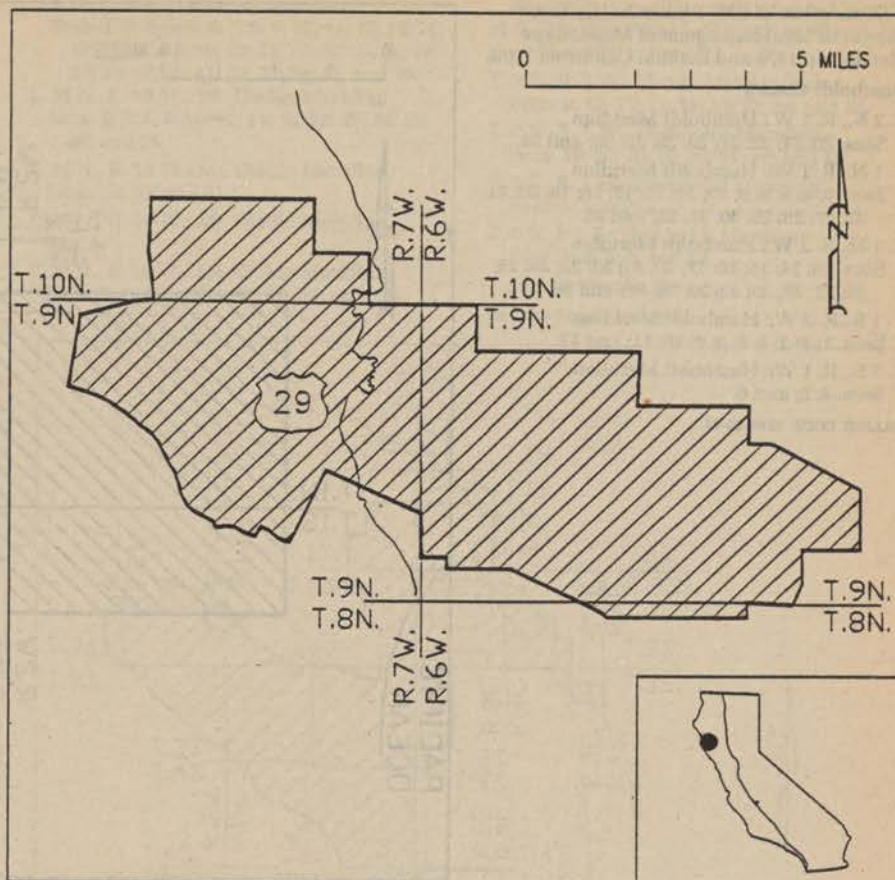
Secs. 27; 28; 29; 32; 33; 34; and 35.

T. 9 N., R. 7 W.: Mt. Diablo

Secs. 1; 2; 3; 4; 9; 10; 11; 13; 14; and 23.

Together with that part of Mallacomes or
Moristul Y plan De Agua Caliente lying East
of Mallacomes or Moristul; West of Carne
Humana, and North of Highway 128.

BILLING CODE 4310-55-M



C-96

BILLING CODE 4310-55-C

Description of CM-1 taken Solely From
Bureau of Land Management Maps; Cape
Mendocino 1979 and Eureka, California 1979.

Humboldt County

T. 2 N., R. 1 W.: Humboldt Meridian
Secs. 20; 21; 22; 27; 28; 29; 32; 33; and 34.

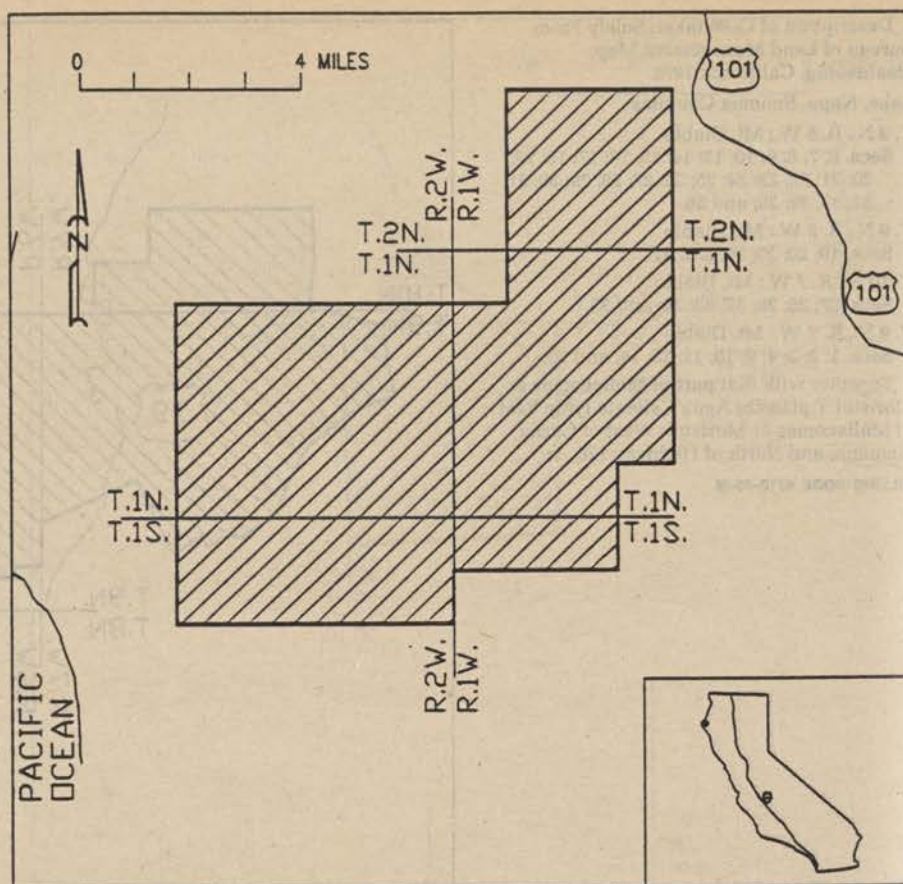
T. 1 N., R. 1 W.: Humboldt Meridian
Secs. 3; 4; 5; 8; 9; 10; 15; 16; 17; 18; 19; 20; 21;
22; 27; 28; 29; 30; 31; 32; and 33.

T. 1 N., R. 2 W.: Humboldt Meridian
Secs. 13; 14; 15; 16; 17; 20; 21; 22; 23; 24; 25;
26; 27; 28; 29; 32; 33; 34; 35; and 36.

T. 1 S., R. 2 W.: Humboldt Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; and 12.

T. 1 S., R. 1 W.: Humboldt Meridian
Secs. 4; 5; and 6.

BILLING CODE 4310-55-M



CM-1

BILLING CODE 4310-55-C

Description of CM-2 taken Solely From
Bureau of Land Management Maps;
Garberville 1979, Cape Mendocino 1979,
Covelo 1981, California.

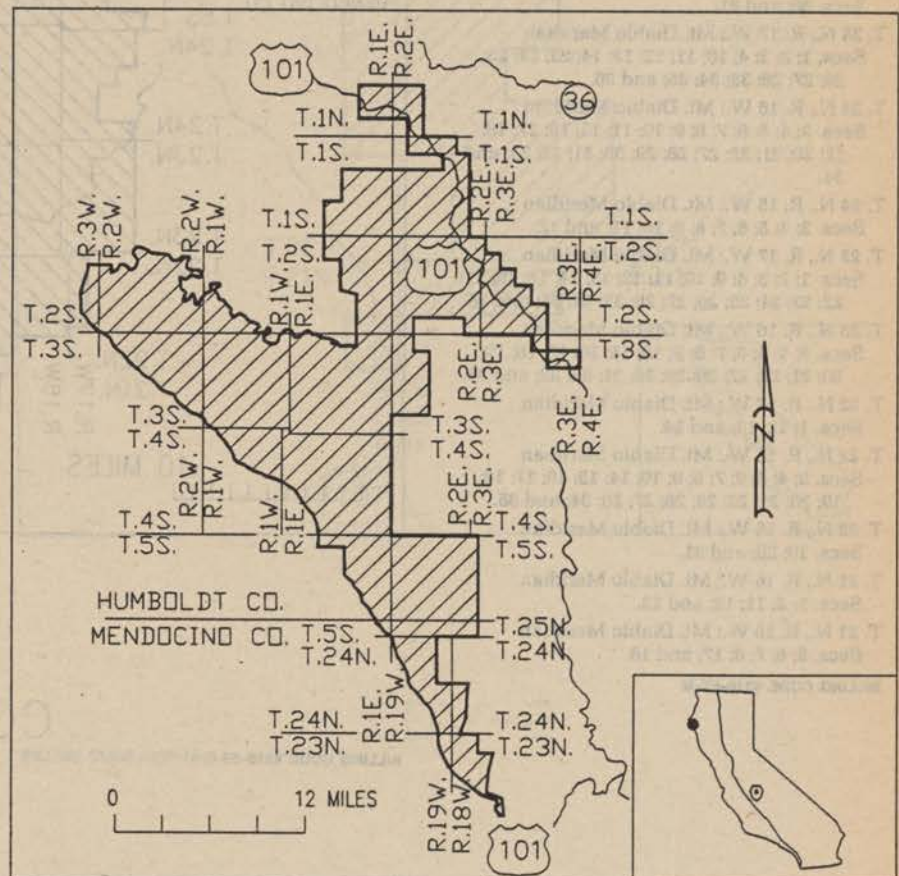
Humboldt and Mendocino Counties

- T. 1 N., R. 1 E.: Humboldt Meridian
Secs. 23; 24; 25; and 26.
- T. 1 N., R. 2 E.: Humboldt Meridian
Secs. 19; 20; 29; 30; and 32.
- T. 1 S., R. 2 E.: Humboldt Meridian
Secs. 3; 4; 5; 10; 11; 14; 15; 16; 17; 18; 23; 26;
and 35.
- T. 1 S., R. 1 E.: Humboldt Meridian
Secs. 13; 14; 15; 22; 28; 33; and 34.
- T. 2 S., R. 1 E.: Humboldt Meridian
Secs. 2; 3; 4; 9; 15; 22; 26; 35; and 36.
- T. 2 S., R. 2 E.: Humboldt Meridian
Secs. 1; 2; 25; 26; 27; 28; 29; 30; 31; 32; and
36.
- T. 3 S., R. 2 E.: Humboldt Meridian
Secs. 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 28; 29;
and 30.
- T. 2 S., R. 3 E.: Humboldt Meridian
Secs. 7; 17; 18; 21; 27; 28; 29; 30; 31; 32; 33;
and 34.
- T. 3 S., R. 3 E.: Humboldt Meridian
Secs. 3; 11; and 12.
- T. 1 S., R. 3 W.: Humboldt Meridian
Secs. 13; 24; 25; and 36.
- T. 2 S., R. 2 W.: Humboldt Meridian
Secs. 4; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19;
20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31;
32; 33; 34; 35; and 36.
- T. 3 S., R. 2 W.: Humboldt Meridian
Secs. 1; 2; 3; 4; 5; 6; 8; 9; 10; 11; 12; 13; 14; 15;
16; 22; 23; 24; 25; and 26.
- T. 2 S., R. 1 W.: Humboldt Meridian
Secs. 18; 19; 20; 28; 29; 30; 31; 32; 33; 34; and
35.
- T. 3 S., R. 1 W.: Humboldt Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 3 S., R. 1 E.: Humboldt Meridian
Secs. 1; 2; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 4 S., R. 1 W.: Humboldt Meridian
Secs. 1; 2; 3; 4; 5; 9; 10; 11; 12; 13; 14; and 15.
- T. 4 S., R. 1 E.: Humboldt Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 32; 33; 34; 35; and 36.
- T. 4 S., R. 2 E.: Humboldt Meridian
Secs. 6; 7; 18; 19; 20; and 31.
- T. 5 S., R. 2 E.: Humboldt Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 24 N., R. 19 W.: Mt. Diablo Meridian
Secs. 2; 3; 4; 9; 10; 11; 14; 15; 22; 23; 24; 25;
26; and 36.
- T. 24 N., R. 18 W.: Mt. Diablo Meridian
Secs. 19; 20; and 31.
- T. 23 N., R. 19 W.: Mt. Diablo Meridian
Sec. 1.
- T. 23 N., R. 18 W.: Mt. Diablo Meridian
Secs. 5; 6; 7; 8; 9; 16; 17; 18; 21; and 22.

Excepting any of the area lying to the right
of the Mattole River looking downstream in
the following sections:

- T. 2 S., R. 2 W.: Humboldt Meridian
Secs. 9; 10; 11; 12; 13; 16; 17; 24; and 25.
- T. 2 S., R. 1 W.: Humboldt Meridian
Secs. 19; 20; 28; 29; 30; 33; 34; and 35.
- T. 3 S., R. 1 W.: Humboldt Meridian
Secs. 1; 2; and 3.
- T. 3 S., R. 1 E.: Humboldt Meridian
Secs. 4; 5; 6; 9; and 10.
- and the Pacific Ocean.

BILLING CODE 4310-55-M



CM-2

BILLING CODE 4310-55-C

Description of COV-1 taken Solely From
Bureau of Land Management Maps:
Garberville 1979 and Covelo 1981, California.

Humboldt, Mendocino, and Trinity Counties

T. 4 S., R. 5 E.: Humboldt Meridian
Secs. 15; 22; 27; 33; and 34.

T. 5 S., R. 5 E.: Humboldt Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 14; 15; 16; 17;
18; 19; 20; 21; 22; 23; 25; 26; 27; 28; 29; 30;
31; 32; 33; 34; 35; and 36.

T. 5 S., R. 4 E.: Humboldt Meridian
Secs. 25; 26; 27; 32; 33; 34; 35; and 36.

T. 5 S., R. 6 E.: Humboldt Meridian
Secs. 30; and 31.

T. 24 N., R. 17 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 10; 11; 12; 13; 14; 23; 24; 25;
26; 27; 28; 33; 34; 35; and 36.

T. 24 N., R. 16 W.: Mt. Diablo Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 11; 15; 16; 17; 18;
19; 20; 21; 22; 27; 28; 29; 30; 31; 32; 33; and
34.

T. 24 N., R. 15 W.: Mt. Diablo Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 11; and 12.

T. 23 N., R. 17 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 16; 21;
22; 23; 24; 25; 26; 27; 28; 33; 34; 35; and 36.

T. 23 N., R. 16 W.: Mt. Diablo Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 15; 16; 17; 18; 19;
20; 21; 22; 27; 28; 29; 30; 31; 32; 33; and 34.

T. 22 N., R. 17 W.: Mt. Diablo Meridian
Secs. 1; 12; 13; and 24.

T. 22 N., R. 16 W.: Mt. Diablo Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 14; 15; 16; 17; 18;
19; 20; 21; 22; 23; 26; 27; 28; 34; and 35.

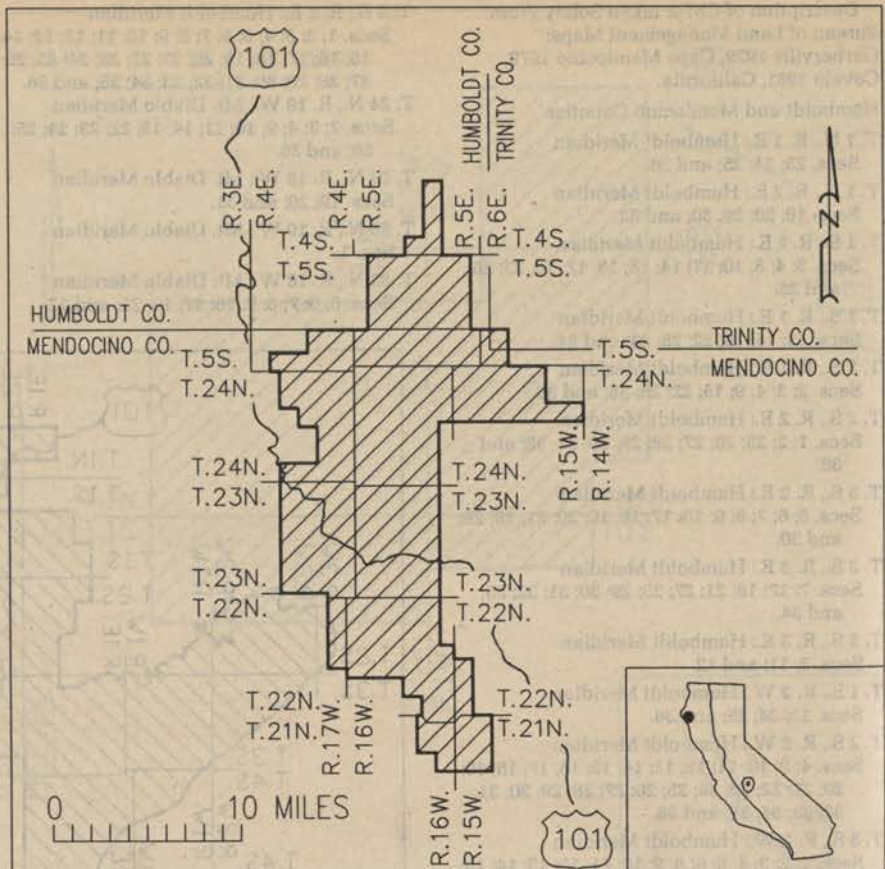
T. 22 N., R. 15 W.: Mt. Diablo Meridian
Secs. 19; 20; and 31.

T. 21 N., R. 16 W.: Mt. Diablo Meridian
Secs. 1; 2; 11; 12; and 13.

T. 21 N., R. 15 W.: Mt. Diablo Meridian
Secs. 5; 6; 7; 8; 17; and 18.

BILLING CODE 4310-55-M

BILLING CODE 4310-55-C



COV-1

Description of COV-2 taken Solely From
Bureau of Land Management Map; Covelo,
California 1981.

Mendocino County

T. 23 N., R. 15 W.: Mt. Diablo Meridian
Secs. 13; 24; 26; and 36.

T. 22 N., R. 15 W.: Mt. Diablo Meridian
Secs. 1; 12; 13; and 24.

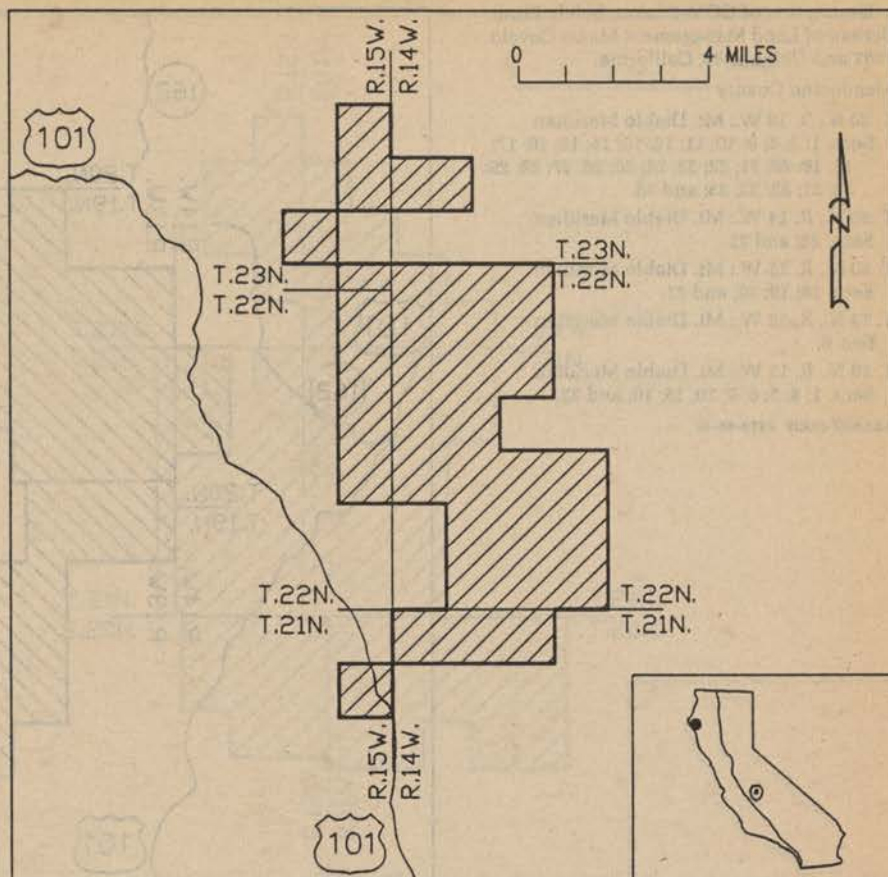
T. 23 N., R. 14 W.: Mt. Diablo Meridian
Sec. 30.

T. 22 N., R. 14 W.: Mt. Diablo Meridian
Secs. 4; 5; 6; 7; 8; 9; 17; 18; 19; 20; 21; 22; 27;
28; 29; 32; 33; and 34.

T. 21 N., R. 15 W.: Mt. Diablo Meridian
Sec. 12.

T. 21 N., R. 14 W.: Mt. Diablo Meridian
Secs. 4; 5; and 6.

BILLING CODE 4310-55-M



COV-2

BILLING CODE 4310-55-C

Description of COV-3 taken Solely From
Bureau of Land Management Maps; Covelo
1981 and Ukiah 1981, California.

Mendocino County

T. 20 N., R. 13 W.: Mt. Diablo Meridian
Secs. 1; 2; 4; 9; 10; 11; 12; 13; 14; 15; 16; 17;
18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 35; and 36.

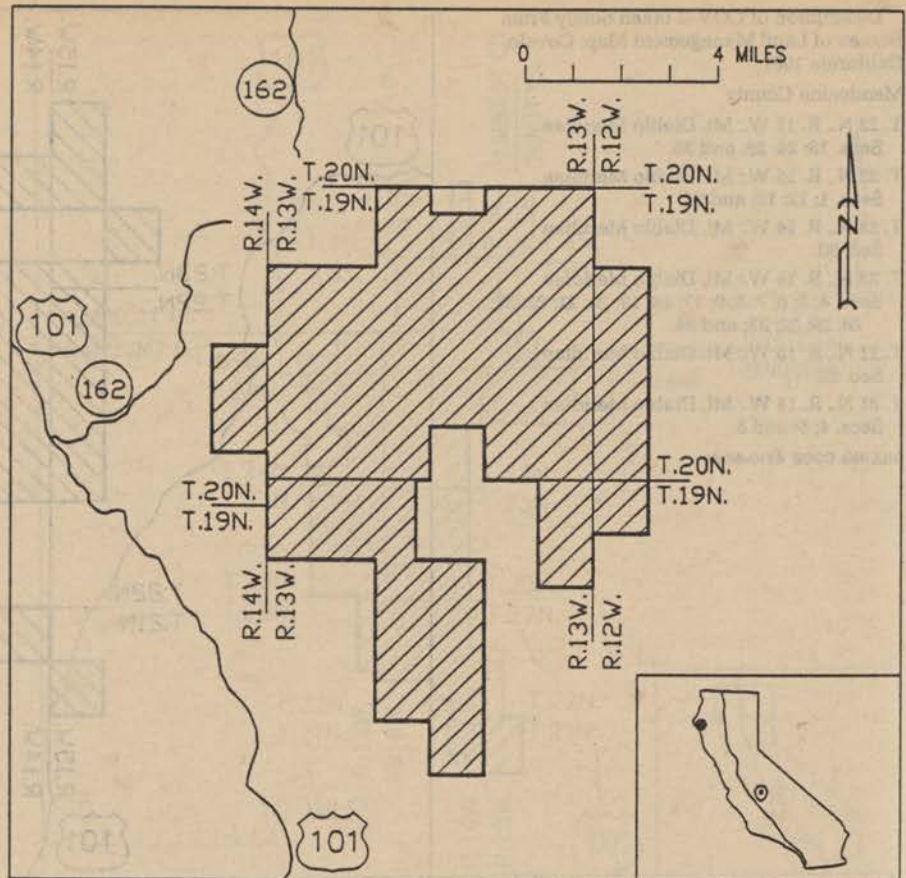
T. 20 N., R. 14 W.: Mt. Diablo Meridian
Secs. 24; and 25.

T. 20 N., R. 13 W.: Mt. Diablo Meridian
Secs. 18; 19; 30; and 31.

T. 19 N., R. 12 W.: Mt. Diablo Meridian
Sec. 6.

T. 19 N., R. 13 W.: Mt. Diablo Meridian
Secs. 1; 4; 5; 6; 9; 10; 15; 16; and 22.

BILLING CODE 4310-55-M



COV-3

BILLING CODE 4310-55-C

Description of COV-4 taken Solely From
Bureau of Land Management Map; Covelo,
California 1981.

Mendocino County

T. 22 N., R. 12 W.: Mt. Diablo Meridian
Secs. 12; 13; 14; 23; 24; and 25.

T. 22 N., R. 11 W.: Mt. Diablo Meridian
Secs. 18; 19; 20; 28; 29; 30; 31; 32; 33; and 34.

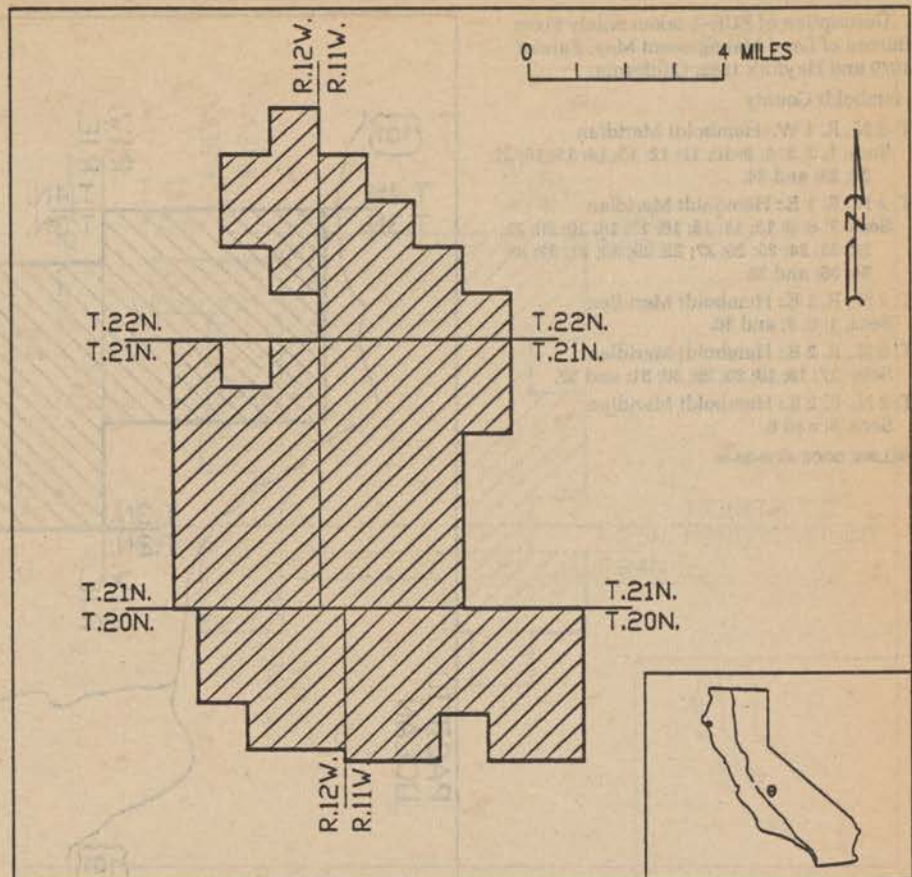
T. 21 N., R. 12 W.: Mt. Diablo Meridian
Secs. 1; 3; 10; 11; 12; 13; 14; 15; 22; 23; 24; 25;
26; 27; 34; 35; and 36.

T. 21 N., R. 11 W.: Mt. Diablo Meridian
Secs. 16; 17; 18; 19; 20; 21; 28; 29; 30; 31; 32;
and 33.

T. 20 N., R. 12 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 10; 11; 12; 13; and 14.

T. 20 N., R. 11 W.: Mt. Diablo Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 15; 17; and
18.

BILLING CODE 4310-55-M



COV-4

BILLING CODE 4310-55-C

Description of EUR-1 taken Solely From
Bureau of Land Management Map; Eureka
1979 and Hayfork 1982, California.

Humboldt County

T. 3 N., R. 1 W.: Humboldt Meridian

Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 16; 21;
22; 23; and 24.

T. 3 N., R. 1 E.: Humboldt Meridian

Secs. 7; 8; 9; 13; 14; 15; 16; 17; 18; 19; 20; 21;
22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33;
34; 35; and 36.

T. 2 N., R. 1 E.: Humboldt Meridian

Secs. 1; 2; 3; and 36.

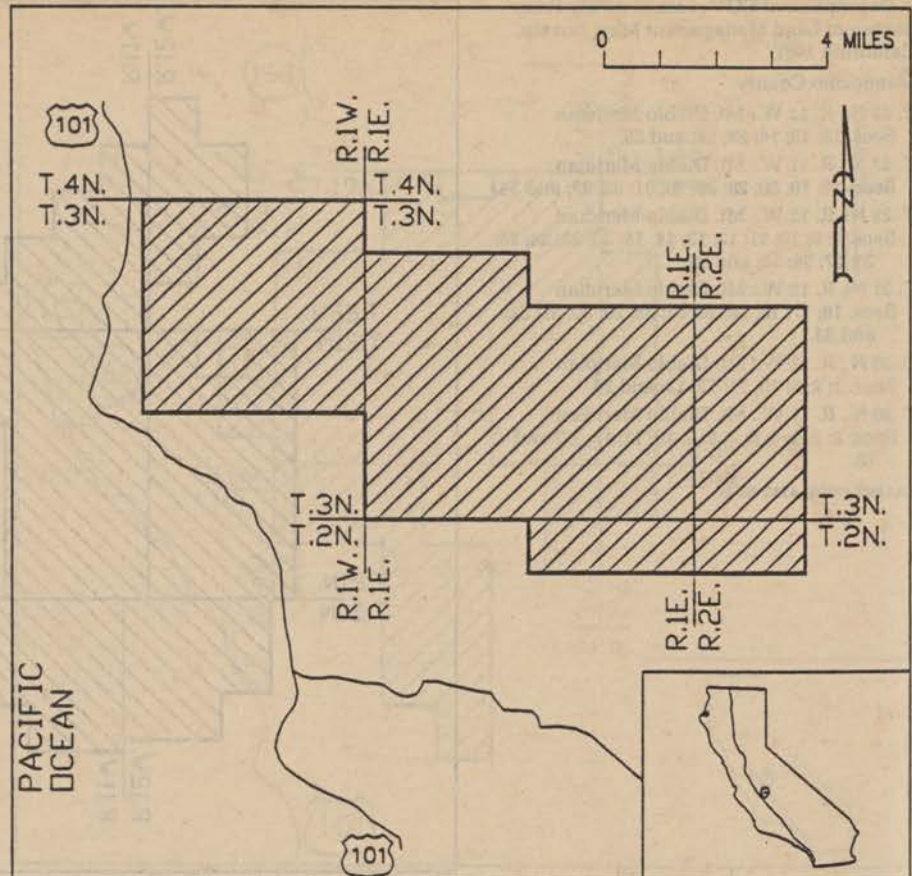
T. 3 N., R. 2 E.: Humboldt Meridian

Secs. 17; 18; 19; 20; 29; 30; 31; and 32.

T. 2 N., R. 2 E.: Humboldt Meridian

Secs. 5; and 6.

BILLING CODE 4310-55-M



EUR-1

BILLING CODE 4310-55-C

Description of GAR-1 taken Solely From
Bureau of Land Management Map;
Garberville 1979 and Covelo 1981, California.

Mendocino and Trinity Counties

T. 5 S., R. 8 E.: Humboldt Meridian

Secs. 9; 10; 11; 12; 13; 14; 15; 22; 23; 24; 25;
26; 27; and 35.

T. 25 N., R. 12 W.: Mt. Diablo Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; and 35.

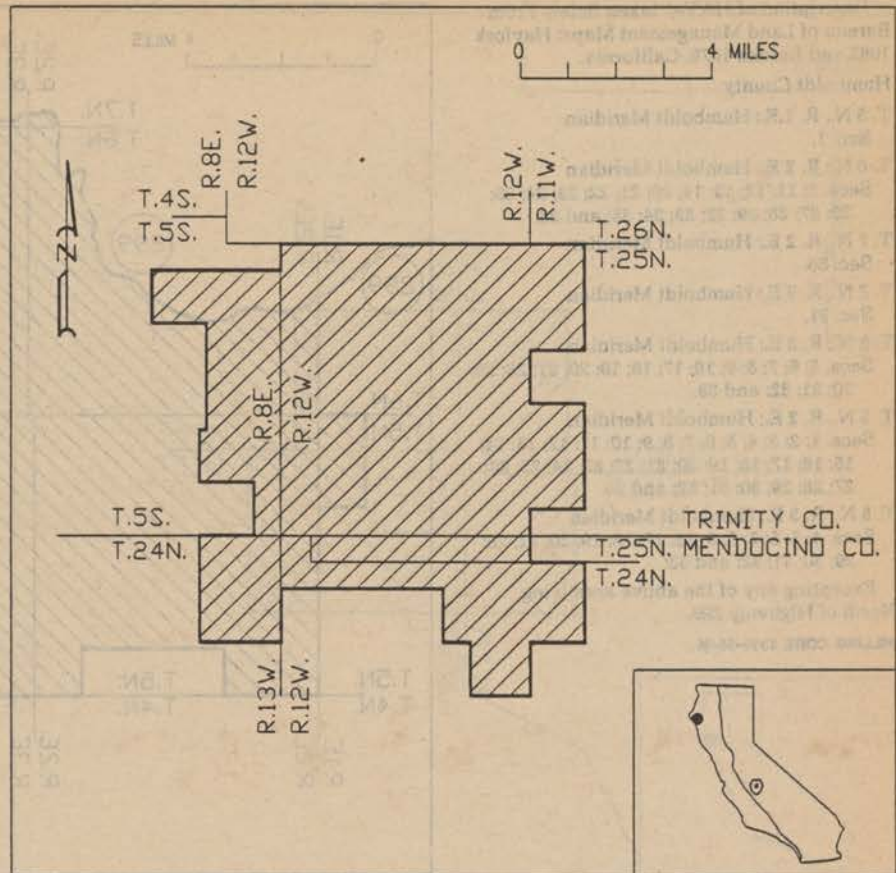
T. 24 N., R. 13 E.: Mt. Diablo Meridian

Secs. 1; 2; 11; and 12.

T. 24 N., R. 12 W.: Mt. Diablo Meridian

Secs. 1; 2; 3; 4; 5; 6; 10; 11; 12; and 14.

BILLING CODE 4310-55-M



GAR-1

BILLING CODE 4310-55-C

Description of HAY-1 taken Solely From
Bureau of Land Management Maps; Hayfork
1982 and Eureka 1979, California.

Humboldt County

T. 5 N., R. 1 E.: Humboldt Meridian
Sec. 1.

T. 6 N., R. 2 E.: Humboldt Meridian
Secs. 1; 11; 12; 13; 14; 20; 21; 22; 23; 24; 25;
26; 27; 28; 29; 32; 33; 34; 35; and 36.

T. 7 N., R. 2 E.: Humboldt Meridian
Sec. 36.

T. 7 N., R. 3 E.: Humboldt Meridian
Sec. 31.

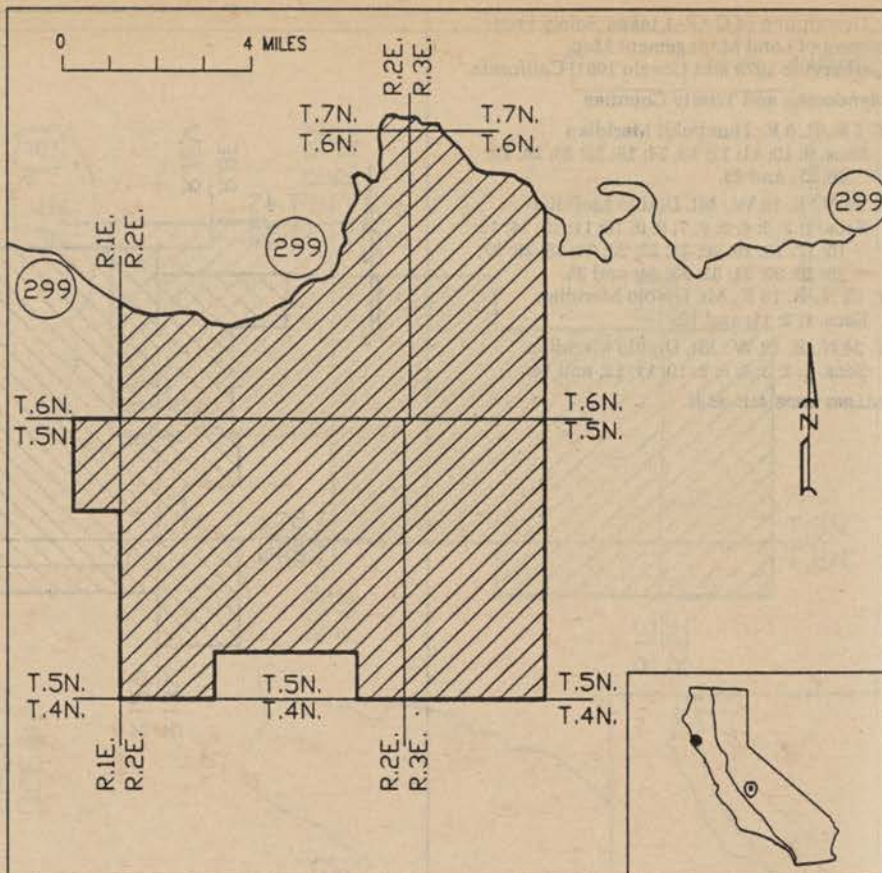
T. 6 N., R. 3 E.: Humboldt Meridian
Secs. 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 28; 29;
30; 31; 32; and 33.

T. 5 N., R. 2 E.: Humboldt Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; and 36.

T. 5 N., R. 3 E.: Humboldt Meridian
Secs. 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 28;
29; 30; 31; 32; and 33.

Excepting any of the above area lying
North of Highway 299.

BILLING CODE 4310-55-M



HAY-1

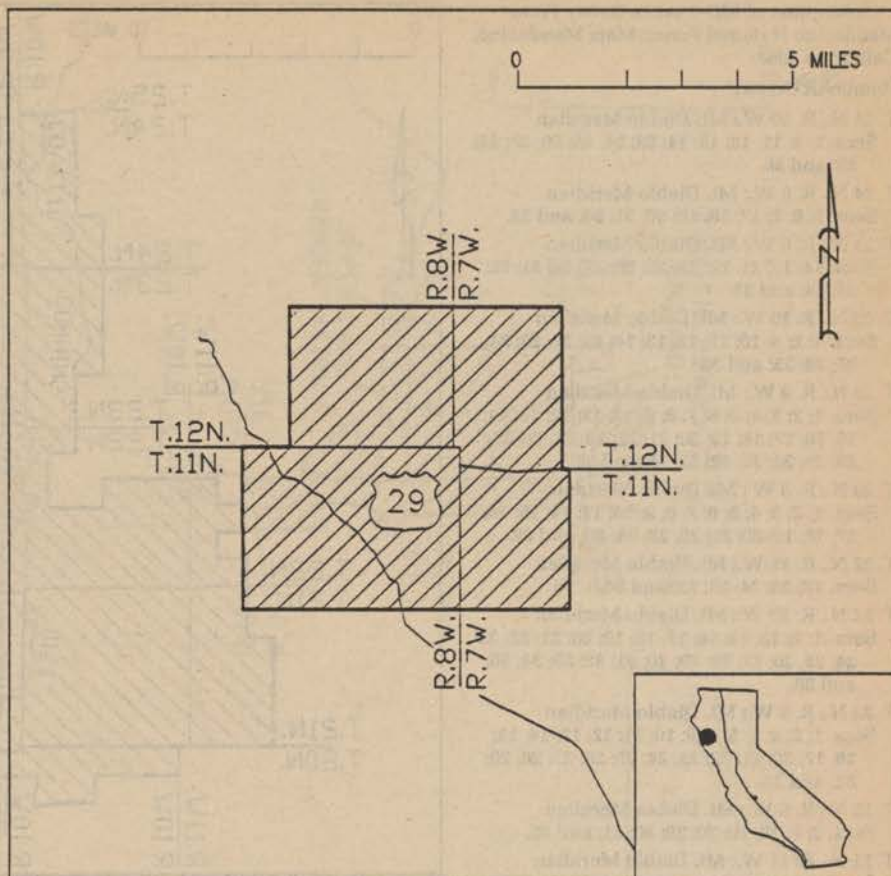
BILLING CODE 4310-55-C

Description of HEA-1 taken Solely From
Bureau of Land Management Map;
Healdsburg, California 1972.

Lake and Sonoma Counties

- T. 12 N., R. 8 W.: Mt. Diablo Meridian
Secs. 22; 23; 24; 25; 26; 27; 34; 35; and 36.
- T. 13 N., R. 8 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; and
16.
- T. 12 N., R. 7 W.: Mt. Diablo Meridian
Secs. 5; 6; 7; 8; 17; 18; 19; 20; 29; 30; 31; and
32.
- T. 7 N., R. 3 E.: Mt. Diablo Meridian
Sec. 31.
- T. 6 N., R. 3 E.: Mt. Diablo Meridian
Secs. 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 28; 29;
30; 31; 32; and 33.
- T. 5 N., R. 2 E.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; and 36.
- T. 5 N., R. 3 E.: Mt. Diablo Meridian
Secs. 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 28;
29; 30; 31; 32; and 33.

BILLING CODE 4310-55-M



HEA-1

BILLING CODE 4310-55-C

Description of ME-1 taken Solely From
Mendocino National Forest Map; Mendocino,
California 1983.

Humboldt County

T. 24 N., R. 10 W.: Mt. Diablo Meridian
Secs. 1; 2; 11; 12; 13; 14; 23; 24; 25; 26; 27; 34;
35; and 36.

T. 24 N., R. 9 W.: Mt. Diablo Meridian
Secs. 5; 6; 7; 17; 18; 19; 30; 31; 34; and 35.

T. 24 N., R. 8 W.: Mt. Diablo Meridian
Secs. 14; 15; 21; 22; 23; 25; 26; 27; 28; 31; 32;
33; 34; and 35.

T. 23 N., R. 10 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 10; 11; 12; 13; 14; 15; 22; 23; 24;
25; 26; 35; and 36.

T. 23 N., R. 9 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 26; 27;
28; 29; 30; 31; 32; 33; 34; and 35.

T. 23 N., R. 8 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 14; 15; 16;
17; 18; 19; 20; 21; 22; 23; 24; 28; and 29.

T. 22 N., R. 11 W.: Mt. Diablo Meridian
Secs. 13; 23; 24; 25; 35; and 36.

T. 22 N., R. 10 W.: Mt. Diablo Meridian
Secs. 1; 2; 12; 13; 16; 17; 18; 19; 20; 21; 22; 23;
24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35;
and 36.

T. 22 N., R. 9 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
32; and 33.

T. 22 N., R. 8 W.: Mt. Diablo Meridian
Secs. 6; 7; 18; 19; 20; 29; 30; 31; and 32.

T. 21 N., R. 11 W.: Mt. Diablo Meridian
Secs. 1; 2; 11; 12; 13; 14; 15; 22; 23; 24; 25; 26;
27; 34; 35; and 36.

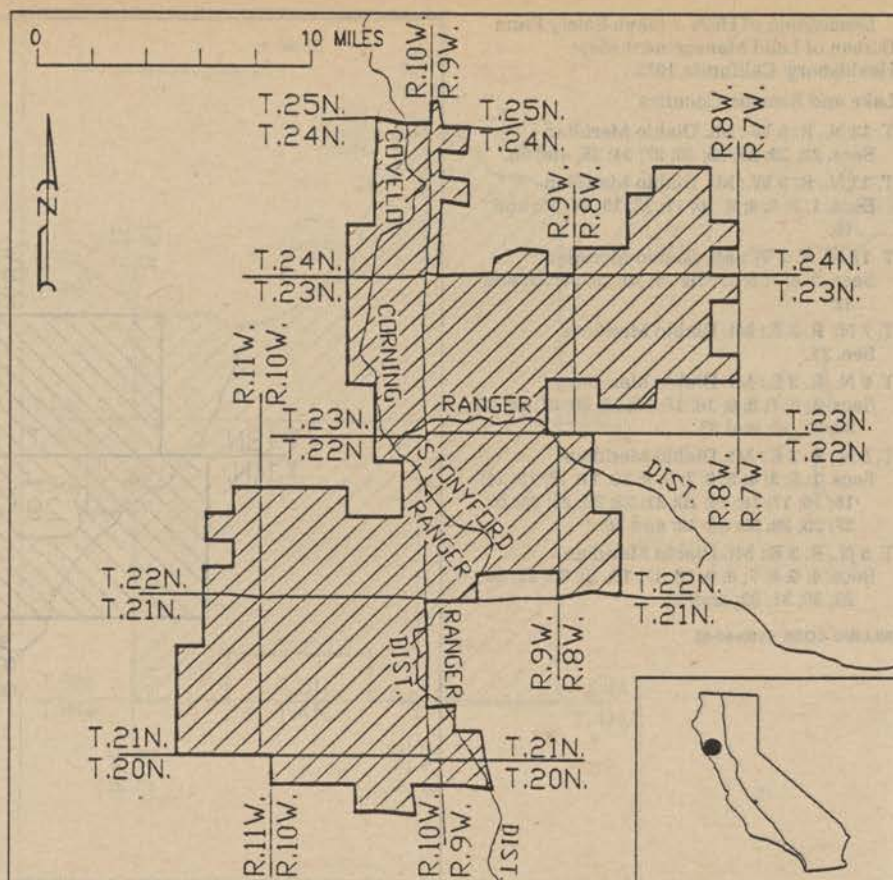
T. 21 N., R. 10 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 21 N., R. 9 W.: Mt. Diablo Meridian
Secs. 29; 32; and 33.

T. 20 N., R. 10 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 10; and 11.

T. 20 N., R. 9 W.: Mt. Diablo Meridian
Secs. 4; and 5.

BILLING CODE 4310-55-M



ME-1

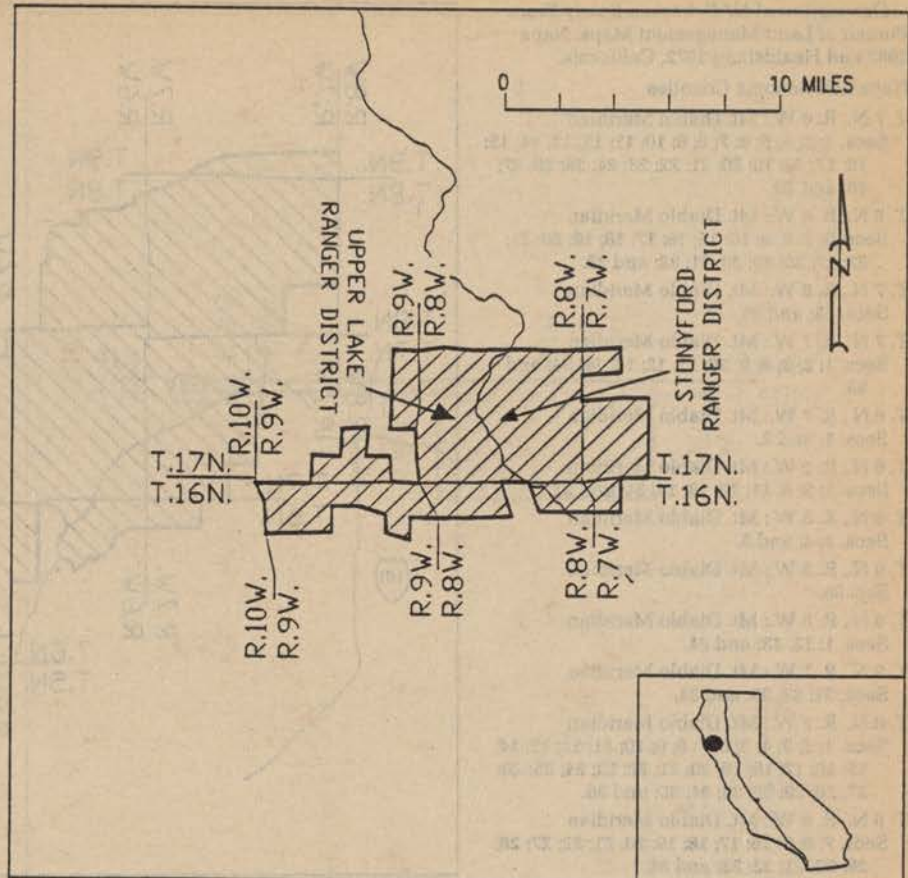
BILLING CODE 4310-55-C

Description of ME-2 taken Solely From
Mendocino National Forest Map; Mendocino,
California 1983.

Mendocino County

- T. 24 N., R. 10 W.: Mt. Diablo Meridian
Secs. 1; 2; 11; 12; 13; 14; 23; 24; 25; 26; 27; 34;
35; and 36.
- T. 24 N., R. 9 W.: Mt. Diablo Meridian
Secs. 5; 6; 7; 17; 18; 19; 30; 31; 34; and 35.
- T. 17 N., R. 9 W.: Mt. Diablo Meridian
Secs. 12; 13; 24; 27; 32; 33; and 34.
- T. 16 N., R. 9 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; and 11.
- T. 17 N., R. 8 W.: Mt. Diablo Meridian
Secs. 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18;
19; 20; 21; 22; 23; 24; 26; 27; 28; 29; 30; 31;
32; 33; 34; 35; and 36.
- T. 17 N., R. 7 W.: Mt. Diablo Meridian
Secs. 7; 19; 20; 29; 30; 31; and 32.
- T. 16 N., R. 8 W.: Mt. Diablo Meridian
Secs. 1; 2; 4; 5; and 6.
- T. 16 N., R. 7 W.: Mt. Diablo Meridian
Sec. 6.

BILLING CODE 4310-55-M



ME-2

BILLING CODE 4310-55-C

Description of NAP-1 taken Solely From
Bureau of Land Management Maps; Napa
1983 and Healdsburg 1972, California.

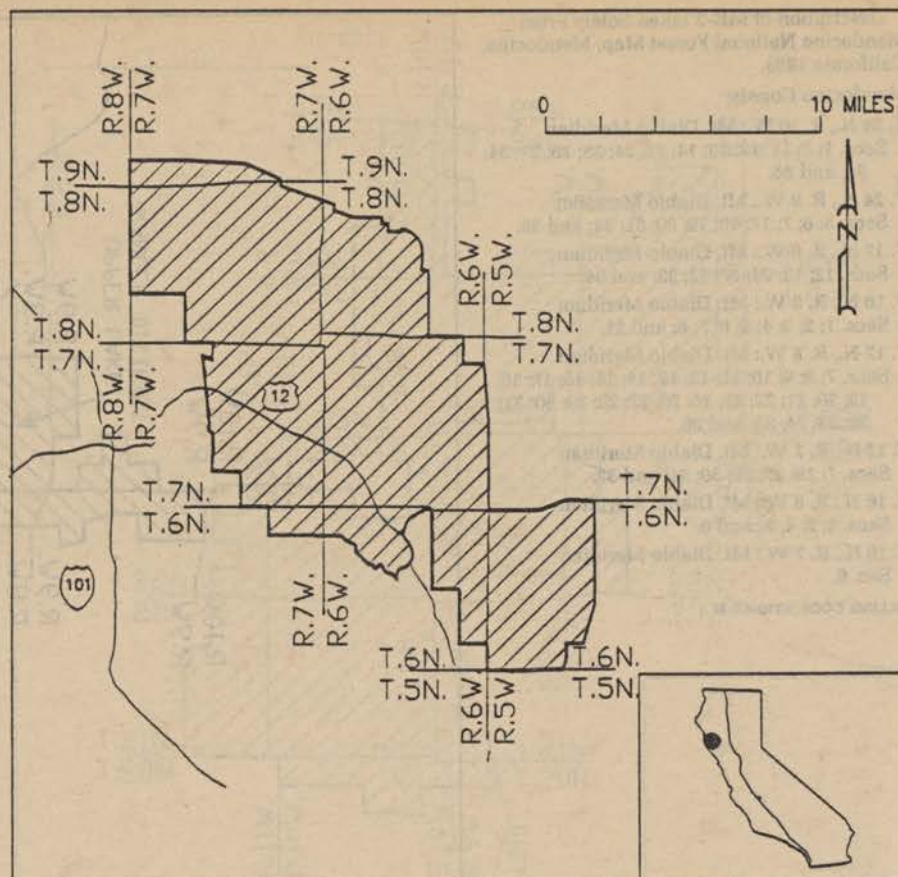
Napa and Sonoma Counties

- T. 7 N., R. 6 W.: Mt. Diablo Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; and 29.
- T. 6 N., R. 5 W.: Mt. Diablo Meridian
Secs. 6; 7; 8; 9; 10; 15; 16; 17; 18; 19; 20; 21;
22; 27; 28; 29; 30; 31; 32; and 33.
- T. 7 N., R. 6 W.: Mt. Diablo Meridian
Secs. 35; and 36.
- T. 7 N., R. 7 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 34; and
35.
- T. 6 N., R. 7 W.: Mt. Diablo Meridian
Secs. 1; and 2.
- T. 6 N., R. 6 W.: Mt. Diablo Meridian
Secs. 1; 2; 6; 11; 12; 13; 14; 24; and 25.
- T. 6 N., R. 5 W.: Mt. Diablo Meridian
Secs. 3; 4; and 5.
- T. 9 N., R. 8 W.: Mt. Diablo Meridian
Sec. 36.
- T. 8 N., R. 8 W.: Mt. Diablo Meridian
Secs. 1; 12; 13; and 24.
- T. 9 N., R. 7 W.: Mt. Diablo Meridian
Secs. 31; 32; 33; and 34.
- T. 8 N., R. 7 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 32; 33; 34; 35; and 36.
- T. 8 N., R. 6 W.: Mt. Diablo Meridian
Secs. 7; 8; 9; 16; 17; 18; 19; 20; 21; 22; 27; 28;
29; 30; 31; 32; 33; and 34.

Together with: That part of Section 15, T. 8
N., R. 6 W. lying South and West of Highway
128.

Also together with: That part of Los
Guilicos described as follows: Beginning at
the intersection of Nunns Canyon Road and
Highway 12; Thence Southerly along said
Highway 12 to Arnold Drive; Thence
Southwesterly along said Arnold Drive to
Bennett Valley Road; Thence Northwesterly
along said Bennett Valley Road to the South
East corner of Section 6, T. 6 N., R. 6 W.;
Thence along the Northerly lines of said
Section 6 and Section 1 of T. 6 N., R. 7 W. to
the South East corner of Annadel State Park;
Thence along the East, North, and West lines
of said park to the East line of Cabeza De
Santa Rosa; Thence Northerly along said East
line to the Northern most corner of said
Cabeza De Santa Rosa; Thence Southeasterly
along the North and East lines of said Los
Guilicos to Nunns Canyon Road; Thence
Southwesterly along said Nunns Canyon
Road to the Point of Beginning.

BILLING CODE 4310-55-M



NAP-1

BILLING CODE 4310-55-C

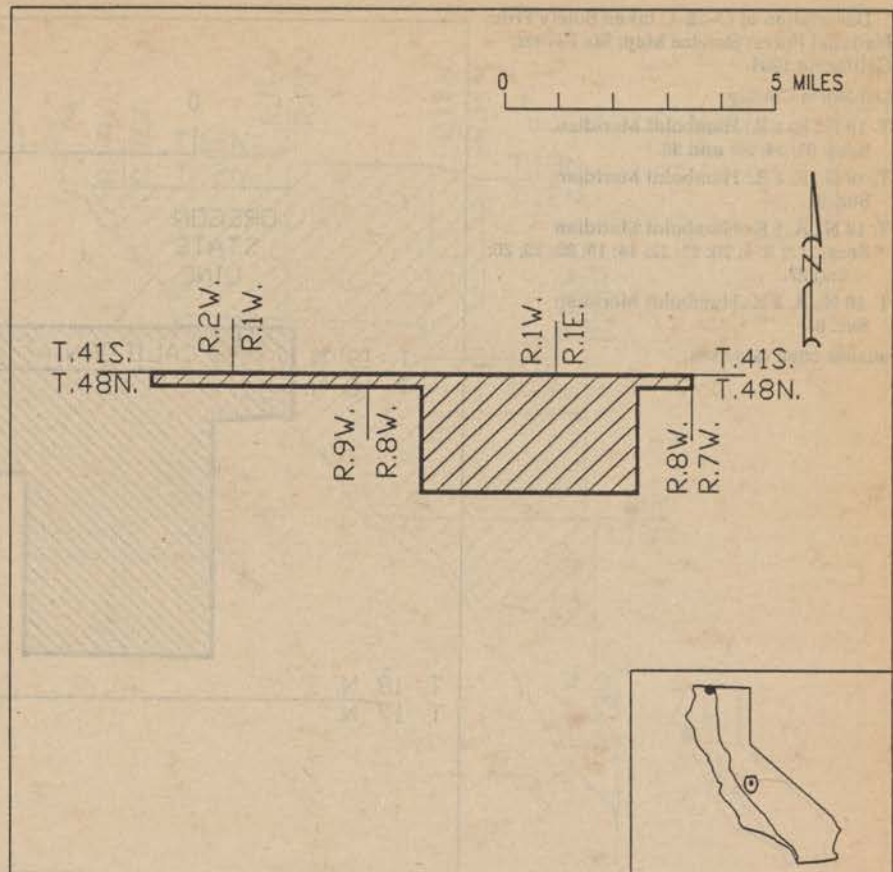
Description of 0-20-C taken Solely From
National Forest Service Map; Klamath,
California 1988.

Siskiyou County

T. 48 N., R. 9 W.: Mt. Diablo Meridian
Secs. 13; 14; 15; and 16.

T. 48 N., R. 8 W.: Mt. Diablo Meridian
Secs. 13; 14; 15; 16; 17; 18; 20; 21; 22; 23; 26;
27; 28; and 29.

BILLING CODE 4310-55-M



□-20-C

BILLING CODE 4310-55-C

Description of O-22-C taken Solely From
National Forest Service Map; Six Rivers,
California 1984.

Del Norte County

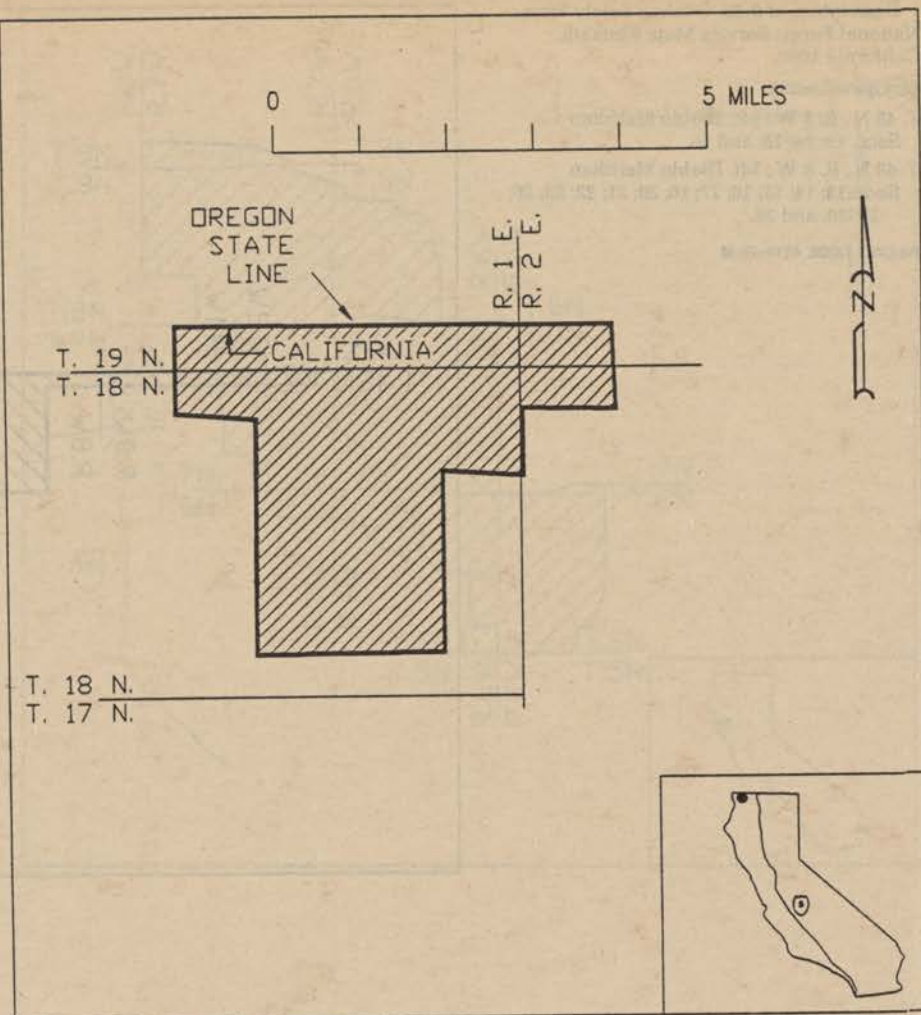
T. 19 N., R. 1 E.: Humboldt Meridian
Secs. 33; 34; 35; and 36.

T. 19 N., R. 2 E.: Humboldt Meridian
Sec. 31.

T. 18 N., R. 1 E.: Humboldt Meridian
Secs. 1; 2; 3; 4; 10; 11; 12; 14; 15; 22; 23; 26;
and 27.

T. 18 N., R. 2 E.: Humboldt Meridian
Sec. 6.

BILLING CODE 4310-55-M



O-22-C

BILLING CODE 4310-55-C

Description of PA-1 taken Solely From
Bureau of Land Management Map; Point
Arena, California 1981.

Sonoma and Mendocino Counties

T. 12 N., R. 17 W.: Mt. Diablo
Secs. 11; 12; and 13.

T. 12 N., R. 16 W.: Mt. Diablo
Secs. 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18;
19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30;
32; 33; 34; 35; and 36.

T. 12 N., R. 15 W.: Mt. Diablo
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 12 N., R. 14 W.: Mt. Diablo
Secs. 5; 6; 7; 8; 17; 18; 19; 20; 29; 30; 31; and
32.

T. 11 N., R. 16 W.: Mt. Diablo
Secs. 1; 2; 3; 4; 12; and 13.

T. 11 N., R. 15 W.: Mt. Diablo
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 20; 21; 22; 23; 24; 25; 26; 27;
28; 34; 35; and 36.

T. 11 N., R. 14 W.: Mt. Diablo
Secs. 5; 6; 7; 8; 13; 14; 15; 16; 17; 18; 19; 20;
21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32;
33; 34; 35; and 36.

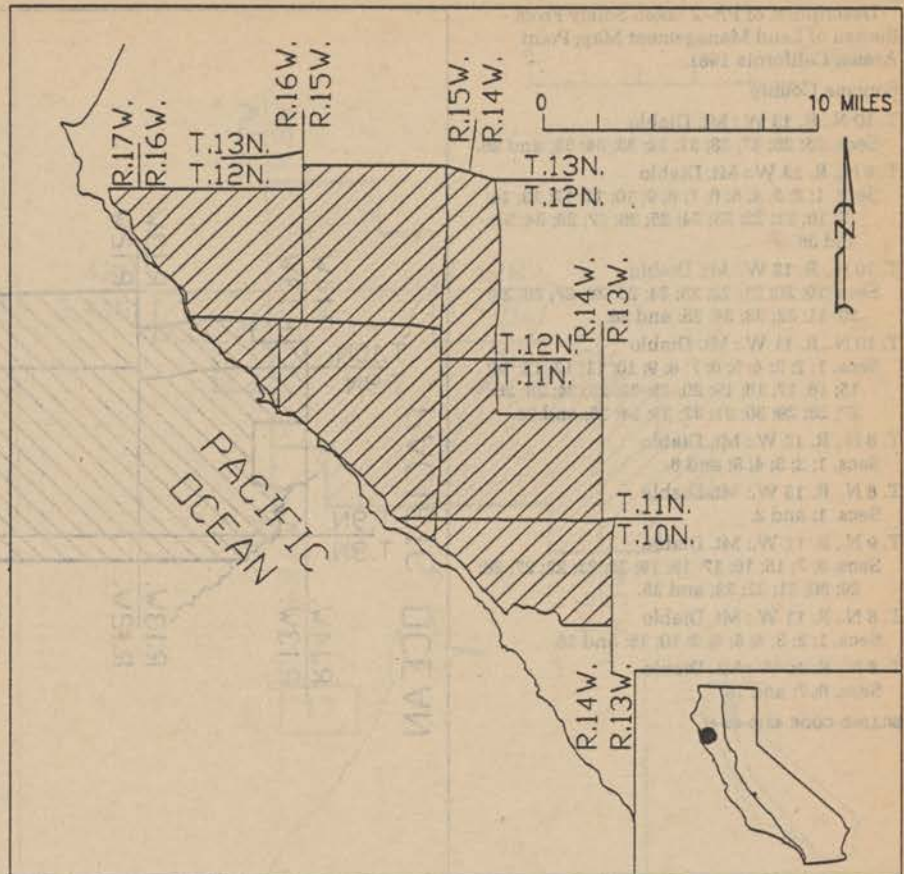
T. 10 N., R. 14 W.: Mt. Diablo
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 20; 21; 22; 23; and 24.

T. 10 N., R. 15 W.: Mt. Diablo
Secs. 1; 2; and 12.

T. 12 N., R. 15 W.: Mt. Diablo
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 20; 21; 22; 23; and 24.

Excepting any of the above area lying West
of Highway 1.

BILLING CODE 4310-55-M



PA-1

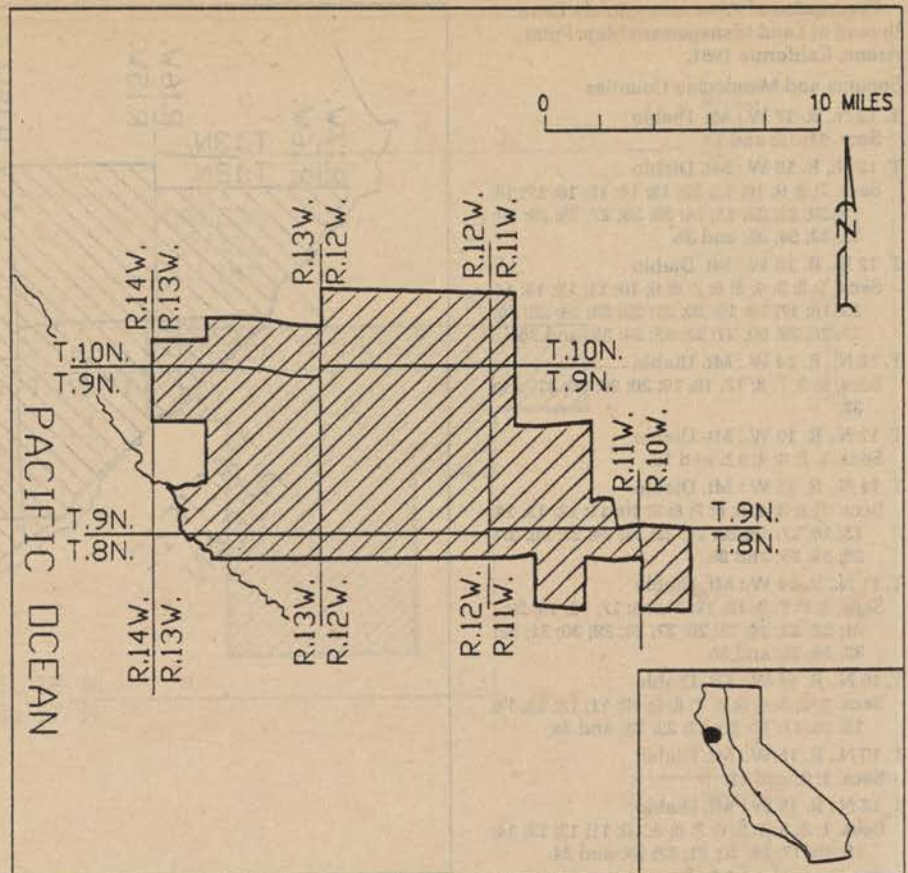
BILLING CODE 4310-55-C

Description of PA-2 taken Solely From
Bureau of Land Management Map; Point
Arena, California 1981.

Sonoma County

- T. 10 N., R. 13 W.: Mt. Diablo
Secs. 25; 26; 27; 28; 31; 32; 33; 34; 35; and 36.
- T. 9 N., R. 13 W.: Mt. Diablo
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 21; 22; 23; 24; 25; 26; 27; 28; 34; 35;
and 36.
- T. 10 N., R. 12 W.: Mt. Diablo
Secs. 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.
- T. 10 N., R. 11 W.: Mt. Diablo
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 8 N., R. 12 W.: Mt. Diablo
Secs. 1; 2; 3; 4; 5; and 6.
- T. 8 N., R. 13 W.: Mt. Diablo
Secs. 1; and 2.
- T. 9 N., R. 11 W.: Mt. Diablo
Secs. 6; 7; 15; 16; 17; 18; 19; 20; 21; 22; 27; 28;
29; 30; 31; 32; 33; and 35.
- T. 8 N., R. 11 W.: Mt. Diablo
Secs. 1; 2; 3; 4; 5; 6; 9; 10; 15; and 16.
- T. 8 N., R. 10 W.: Mt. Diablo
Secs. 6; 7; and 18.

BILLING CODE 4310-55-M



PA-2

BILLING CODE 4310-55-C

Description of ST-1 taken Solely From
National Forest Service Map; Shasta,
California 1987.

Siskiyou and Trinity Counties

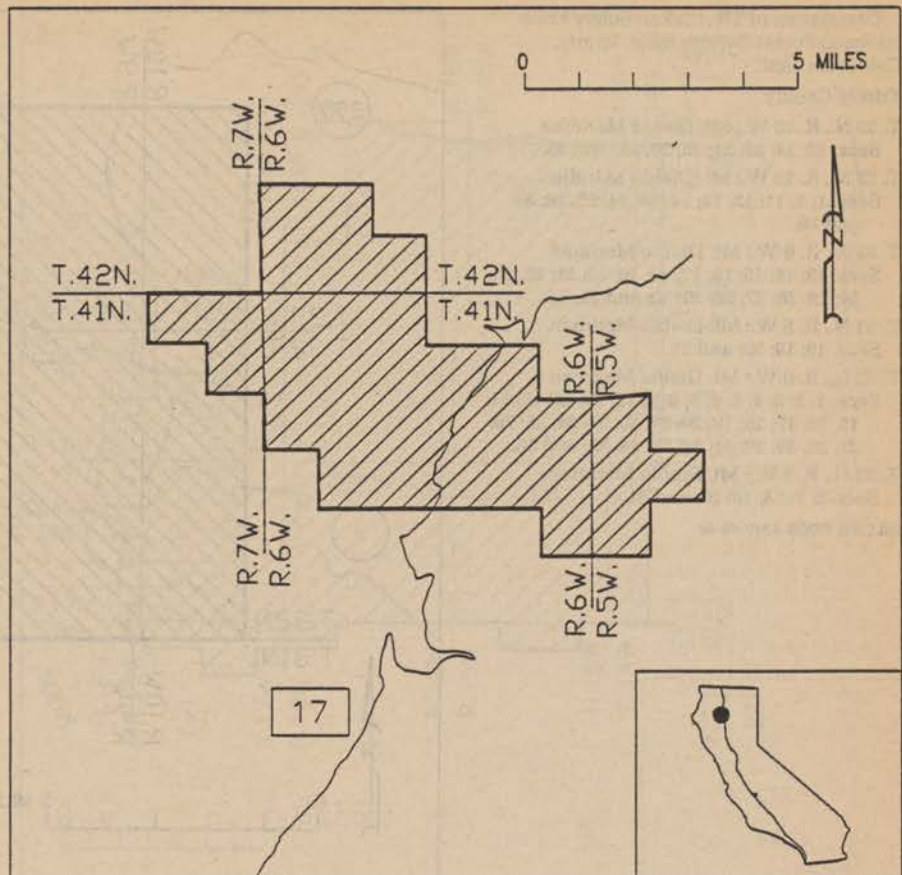
T. 42 N., R. 6 W.: Mt. Diablo Meridian
Secs. 29; 30; 31; 32; and 33.

T. 41 N., R. 7 W.: Mt. Diablo Meridian
Secs. 1; 2; and 12.

T. 41 N., R. 6 W.: Mt. Diablo Meridian
Secs. 4; 5; 6; 7; 8; 9; 10; 11; 13; 14; 15; 16; 17;
18; 20; 21; 22; 23; 24; and 25.

T. 41 N., R. 5 W.: Mt. Diablo Meridian
Secs. 18; 19; 20; and 30.

BILLING CODE 4310-55-M



ST-1

BILLING CODE 4310-55-C

Description of TR-1 taken Solely From
National Forest Service Map; Trinity,
California 1987.

Trinity County

T. 33 N., R. 10 W.: Mt. Diablo Meridian
Secs. 13; 14; 23; 24; 25; 26; 35; and 36.

T. 32 N., R. 10 W.: Mt. Diablo Meridian
Secs. 1; 2; 11; 12; 13; 14; 23; 24; 25; 26; 35;
and 36.

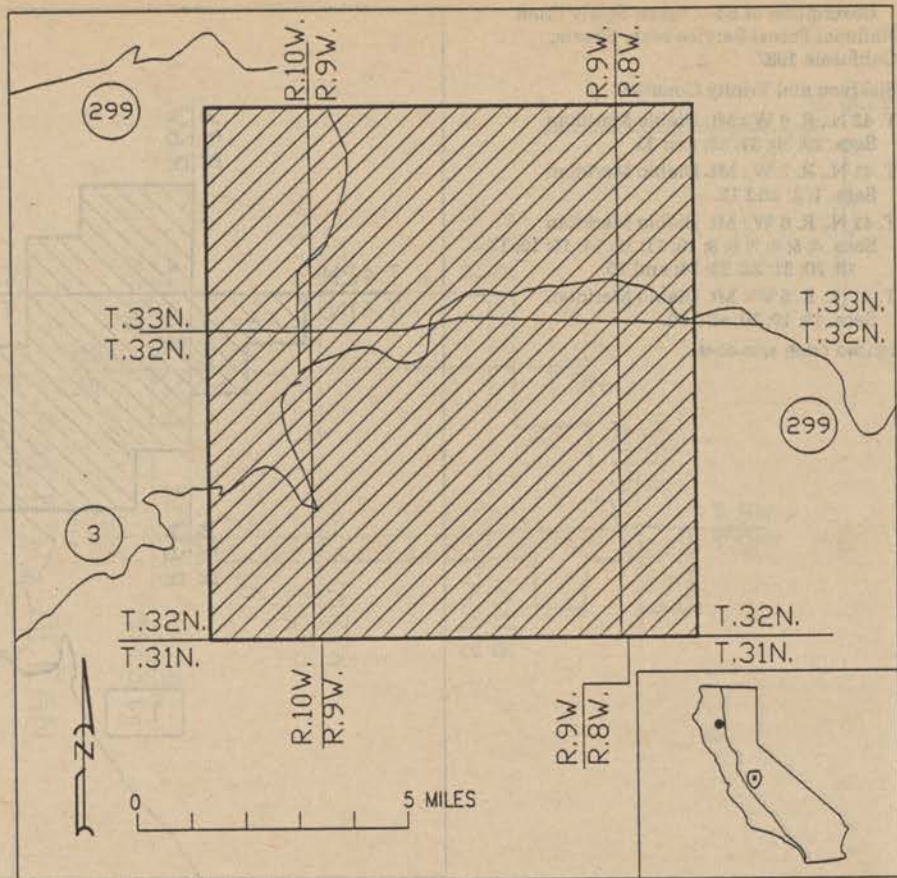
T. 33 N., R. 9 W.: Mt. Diablo Meridian
Secs. 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23;
24; 25; 26; 27; 28; 29; 30; and 31.

T. 33 N., R. 8 W.: Mt. Diablo Meridian
Secs. 18; 19; 30; and 31.

T. 32 N., R. 9 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 32 N., R. 8 W.: Mt. Diablo Meridian
Secs. 6; 7; 18; 19; 30; and 31.

BILLING CODE 4310-55-M



1-T2

TRI-1

BILLING CODE 4310-55-C

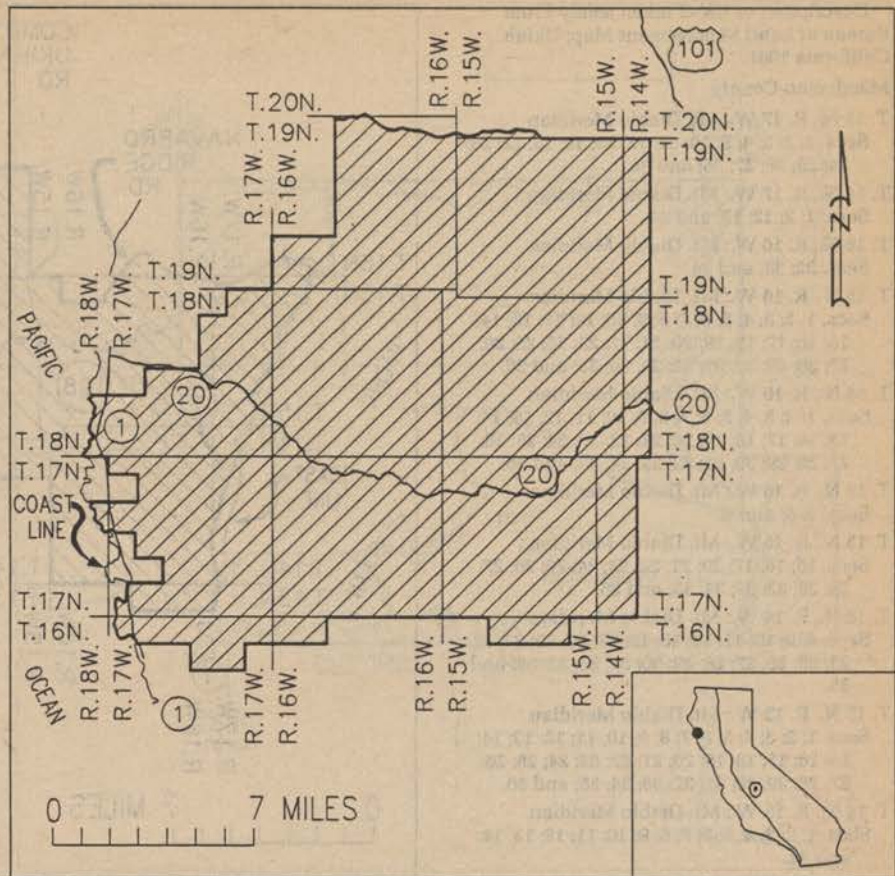
Description of UK-1 taken Solely From
Bureau of Land Management Map; Ukiah,
California 1981.

Mendocino County

- T. 18 N., R. 17 W.: Mt. Diablo Meridian
Secs. 1; 2; 10; 11; 12; 13; 14; 15; 20; 21; 22; 23;
24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35;
and 36.
- T. 18 N., R. 18 W.: Mt. Diablo Meridian
Secs. 25; and 36.
- T. 17 N., R. 17 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 20; 21; 22; 23; 24; 25; 26; 27; 28;
31; 32; 33; 34; 35; and 36.
- T. 16 N., R. 17 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 10; and 11.
- T. 19 N., R. 16 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 16; 21;
22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33;
34; 35; and 36.
- T. 18 N., R. 16 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 17 N., R. 16 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 16 N., R. 16 W.: Mt. Diablo Meridian
Secs. 5; and 6.
- T. 19 N., R. 15 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 18 N., R. 15 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; and 35.
- T. 17 N., R. 15 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 16 N., R. 15 W.: Mt. Diablo Meridian
Secs. 2; 3; and 4.
- T. 19 N., R. 14 W.: Mt. Diablo Meridian
Secs. 6; 7; 18; 19; 30; and 31.
- T. 18 N., R. 14 W.: Mt. Diablo Meridian
Secs. 6; 7; 18; 19; 30; and 31.
- T. 17 N., R. 14 W.: Mt. Diablo Meridian
Secs. 6; 7; 18; 19; 30; and 31.

Excepting any of the Pacific Ocean, and
any land lying North of the Middle Fork of 10
Mile River.

BILLING CODE 4310-55-M



UK-1

BILLING CODE 4310-55-C

Description of UK-2 taken solely From Bureau of Land Management Map; Ukiah, California 1981.

Mendocino County

T. 15 N., R. 17 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 22; 23;
24; 25; 26; 27; 35; and 36.

T. 14 N., R. 17 W.: Mt. Diablo Meridian
Secs. 1; 2; 12; 13; and 24.

T. 16 N., R. 16 W.: Mt. Diablo Meridian
Secs. 32; 33; and 34.

T. 15 N., R. 16 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 14 N., R. 16 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 13 N., R. 16 W.: Mt. Diablo Meridian
Secs. 4; 5; and 6.

T. 13 N., R. 15 W.: Mt. Diablo Meridian
Secs. 15; 16; 17; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 32; 33; 34; 35; and 36.

T. 16 N., R. 14 W.: Mt. Diablo Meridian
Secs. 4; 9; 10; 11; 14; 15; 16; 17; 19; 20; 21; 22;
23; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; and
35.

T. 15 N., R. 15 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 14 N., R. 15 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
and 24.

T. 15 N., R. 14 W.: Mt. Diablo Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 13; 14; 15; 16; 17;
18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; and 32.

T. 14 N., R. 13 W.: Mt. Diablo Meridian
Secs. 4; 5; 6; 8; and 9.

Excepting any of the above area lying West of Highway 1, and any of the above area lying North of Navarro Ridge Road in the following sections:

T. 15 N., R. 17 W.: Mt. Diablo Meridian
Secs. 1; 2; and 3.

T. 16 N., R. 16 W.: Mt. Diablo Meridian
Secs. 32; 33; and 34.

T. 14 N., R. 16 W.: Mt. Diablo Meridian
Secs. 3; and 4.

Excepting any of the above area lying North of Comptche-Ukiah Rd. and Orrspring Rd. in the following sections:

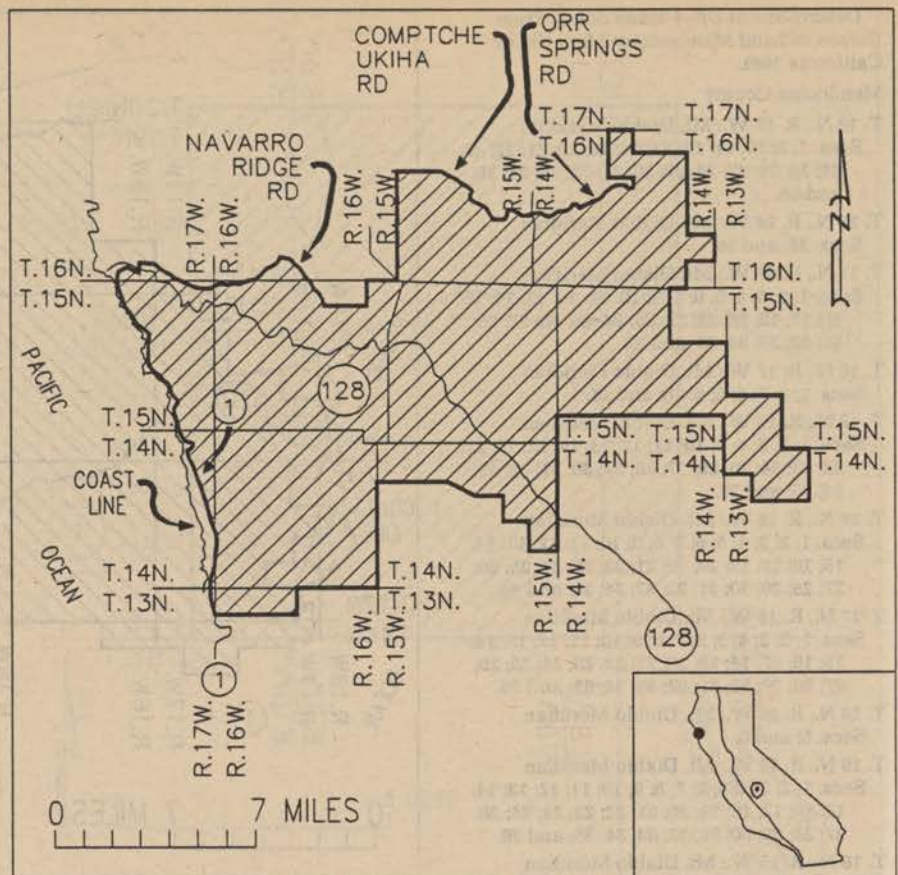
T. 16 N., R. 14 W.: Mt. Diablo Meridian
Secs. 32; 33; and 34.

T. 15 N., R. 15 W.: Mt. Diablo Meridian
Secs. 1; 2; 3; 15; 16; 22; 23; and 24.

T. 15 N., R. 14 W.: Mt. Diablo Meridian
Secs. 16; 17; 18; 19; and 20.

Oregon: Areas of land and water as follows:

BILLING CODE 4310-55-M



UK-2

BILLING CODE 4310-55-C

Description of C-5-0 taken Solely From
Forest Visitor's Maps of Siskiyou National
Forest; Oregon and California.

Josephine County

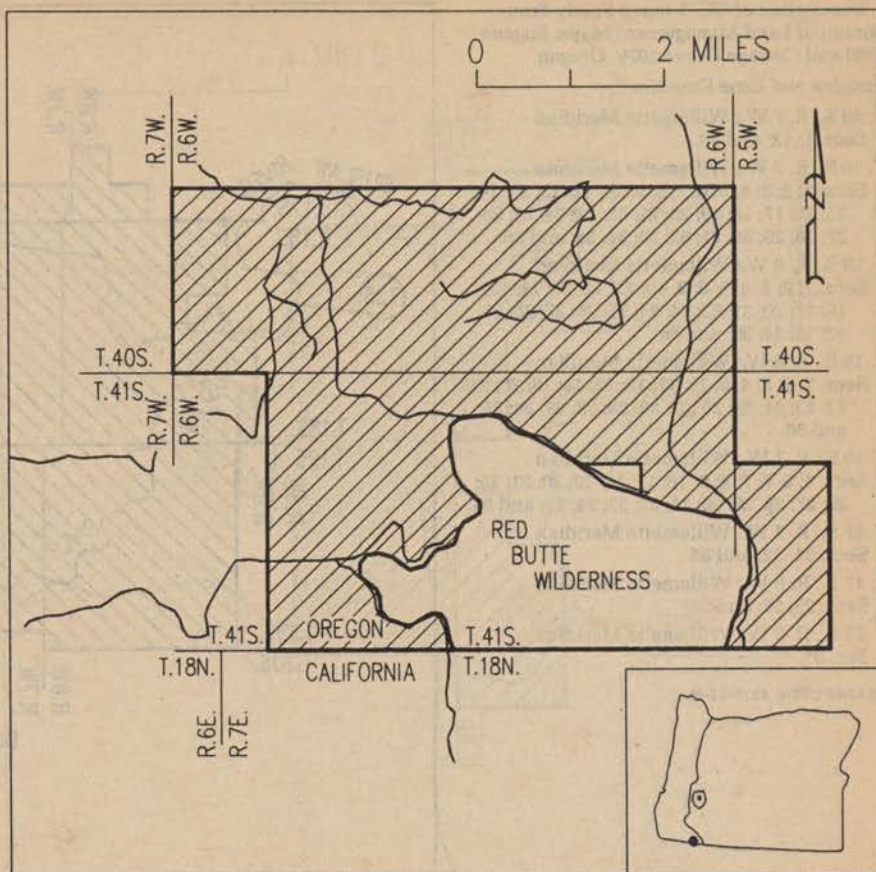
T. 40 S., R. 6 W.: Willamette Meridian
Secs. 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35;
and 36.

T. 41 S., R. 6 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 13; 14; 16;
and 17.

T. 41 S., R. 5 W.: Willamette Meridian
Sec. 7 and 18.

Excepting any of the above area lying
within the Red Butte Wilderness areas.

BILLING CODE 4310-55-M



C-5-0

BILLING CODE 4310-55-C

Description of CG-1 taken Solely From
Bureau of Land Management Maps; Eugene
1980 and Cottage Grove 1979, Oregon.

Douglas and Lane Counties

T. 20 S., R. 7 W.: Willamette Meridian
Secs. 1; 12; and 13.

T. 19 S., R. 7 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 19 S., R. 8 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
32; 33; 34; 35; and 36.

T. 18 S., R. 8 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 20; 21;
22; 23; 24; 25; 26; 27; 28; 29; 32; 33; 34; 35;
and 36.

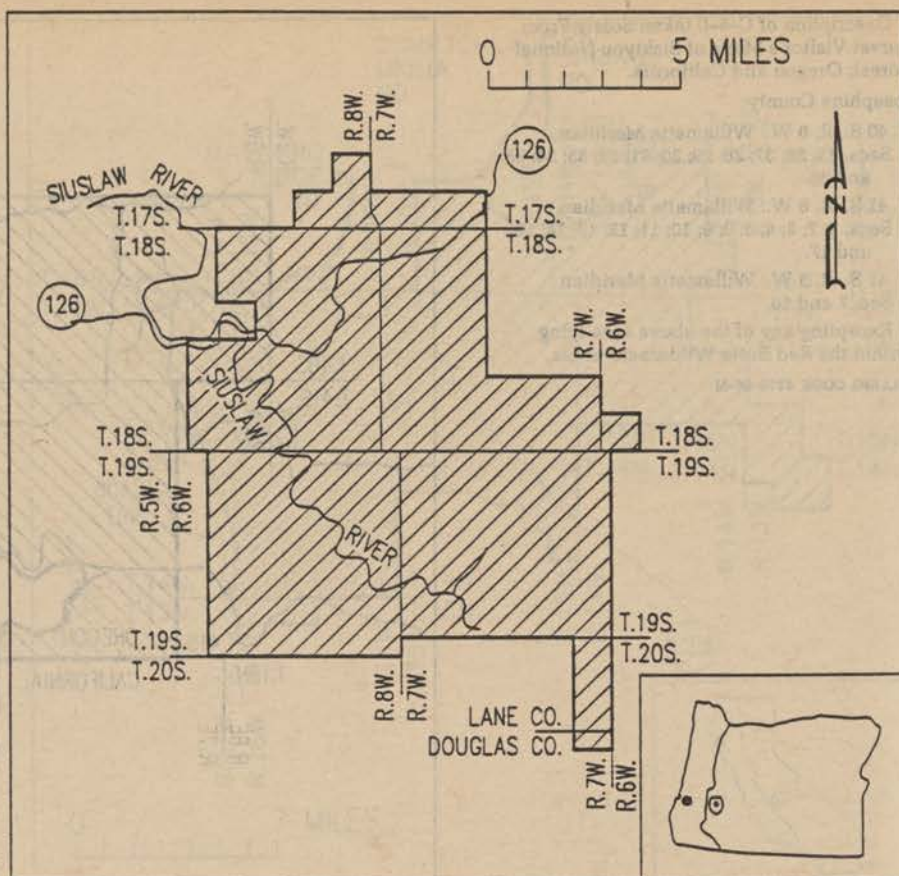
T. 18 S., R. 7 W.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 25;
26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 17 S., R. 7 W.: Willamette Meridian
Secs. 31; 32; and 33.

T. 17 S., R. 8 W.: Willamette Meridian
Secs. 25; 35; and 36.

T. 18 S., R. 6 W.: Willamette Meridian
Sec. 31.

BILLING CODE 4310-55-M



CG-1

BILLING CODE 4310-55-C

Description of DES-1 taken Solely From
Forest Visitor's Map; Deschutes, Oregon 1988.
Deschutes County

T. 20 S., R. 7 E.: Willamette Meridian
Secs. 13; 14; 15; 22; 23; 24; 25; 26; 27; 33; 34;
35; and 36.

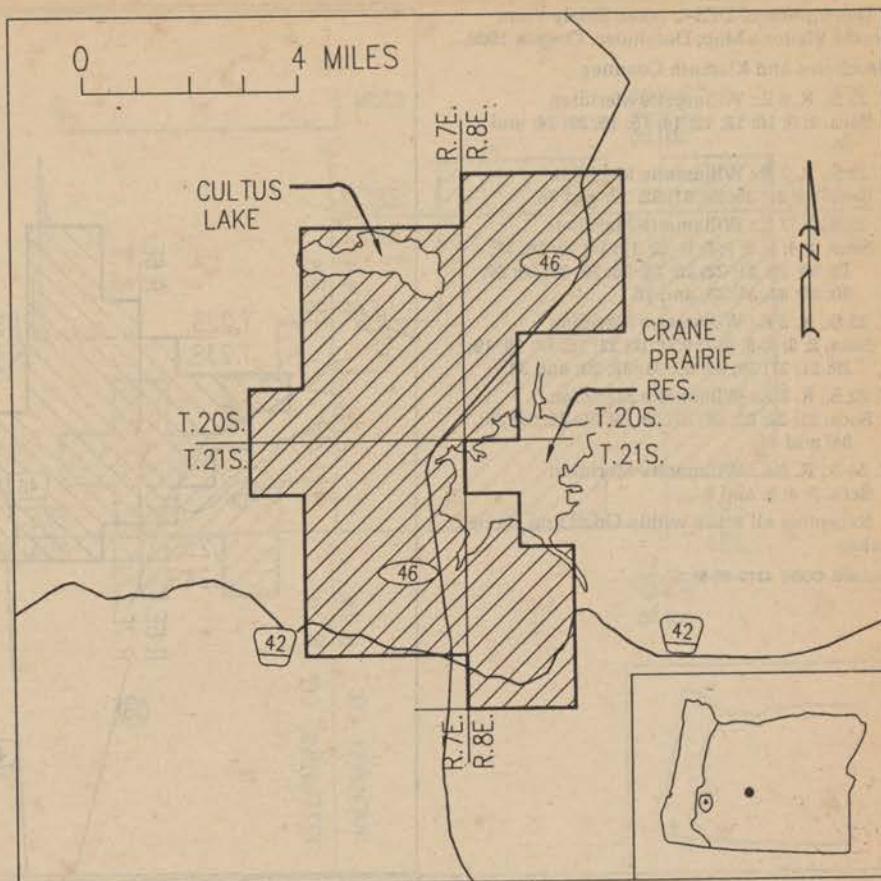
T. 21 S., R. 7 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 10; 11; 12; 13; 14; 15; 22; 23;
and 24.

T. 21 S., R. 8 E.: Willamette Meridian
Secs. 7; 17; 18; 19; 20; 29; and 30.

T. 20 S., R. 8 E.: Willamette Meridian
Secs. 7; 8; 9; 16; 17; 18; 19; 20; 21; 30; and 31.

Excepting all area within Cultus Lake and
Crane Prairie Reservoir.

BILLING CODE 4310-55-M



DES-1

BILLING CODE 4310-55-C

Description of DES-2 taken Solely From
Forest Visitor's Map; Deschutes, Oregon 1988.

Deschutes and Klamath Counties

T. 23 S., R. 6 E.: Willamette Meridian
Secs. 1; 9; 10; 12; 13; 14; 15; 16; 23; 24; and
25.

T. 22 S., R. 7 E.: Willamette Meridian
Secs. 20; 21; 28; 29; 31; 32; 33; and 36.

T. 23 S., R. 7 E.: Willamette Meridian
Secs. 1; 4; 5; 6; 7; 8; 9; 12; 13; 14; 15; 16; 17;
18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 32; 33; 34; 35; and 36.

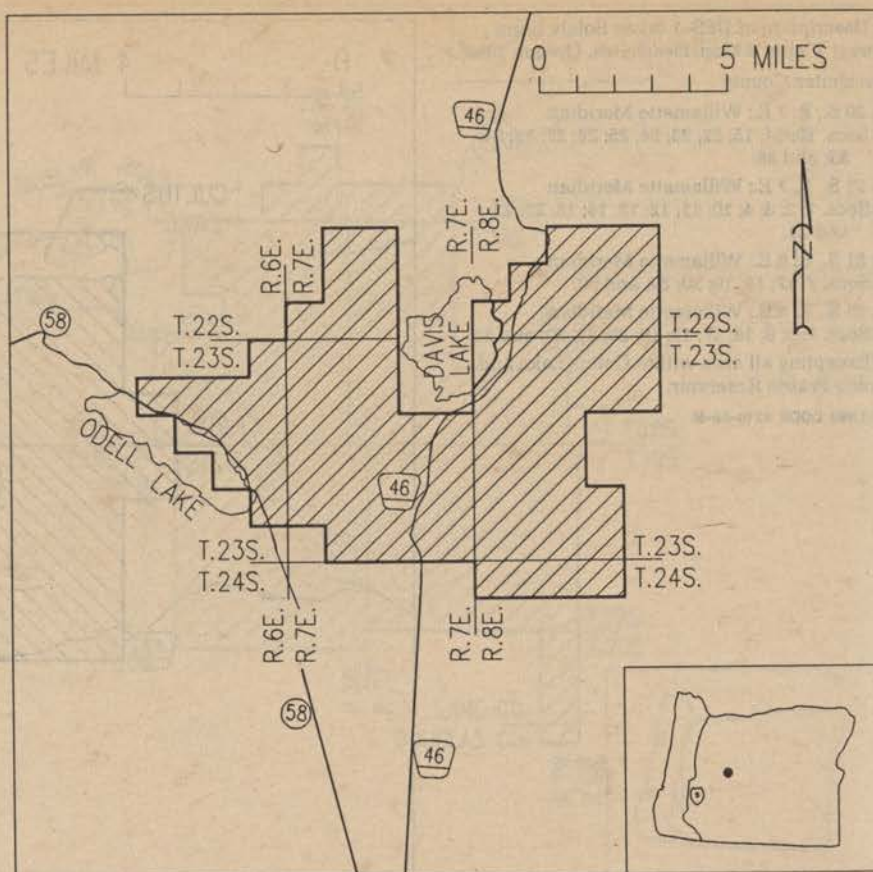
T. 23 S., R. 8 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 16; 17; 18; 19;
20; 21; 27; 28; 29; 30; 31; 32; 33; and 34.

T. 22 S., R. 8 E.: Willamette Meridian
Secs. 21; 22; 23; 26; 27; 28; 29; 30; 31; 32; 33;
34; and 35.

T. 24 S., R. 8 E.: Willamette Meridian
Secs. 3; 4; 5; and 6.

Excepting all areas within Odell and Davis
Lakes.

BILLING CODE 4310-55-M



DES-2

BILLING CODE 4310-55-C

Description of GPQ-1 taken Solely From
Bureau of Land Management Map; Grants
Pass, Oregon 1978.

Josephine and Jackson Counties

T. 39 S., R. 5 W.: Willamette Meridian
Secs. 13; 21; 23; 24; 25; 26; 27; 28; 29; 33; 34;
and 35.

T. 40 S., R. 5 W.: Willamette Meridian
Secs. 2; and 4.

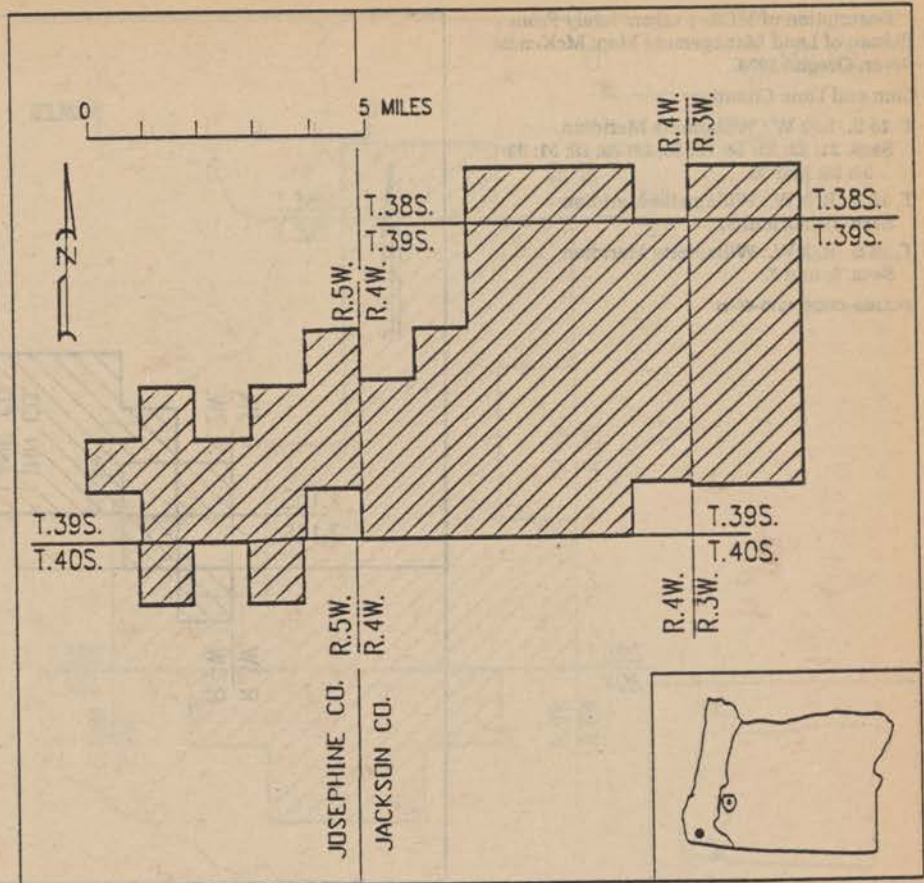
T. 38 S., R. 4 W.: Willamette Meridian
Secs. 33; 34; and 35.

T. 38 S., R. 3 W.: Willamette Meridian
Secs. 31; and 32.

T. 39 S., R. 4 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 16; 17;
19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30;
31; 32; 33; 34; and 35.

T. 39 S., R. 3 W.: Willamette Meridian
Secs. 5; 6; 7; 8; 17; 18; 19; 20; 29; and 30.

BILLING CODE 4310-55-M



GPQ-1

BILLING CODE 4310-55-C

Description of MCK-1 taken Solely From
Bureau of Land Management Map; McKenzie
River, Oregon 1973.

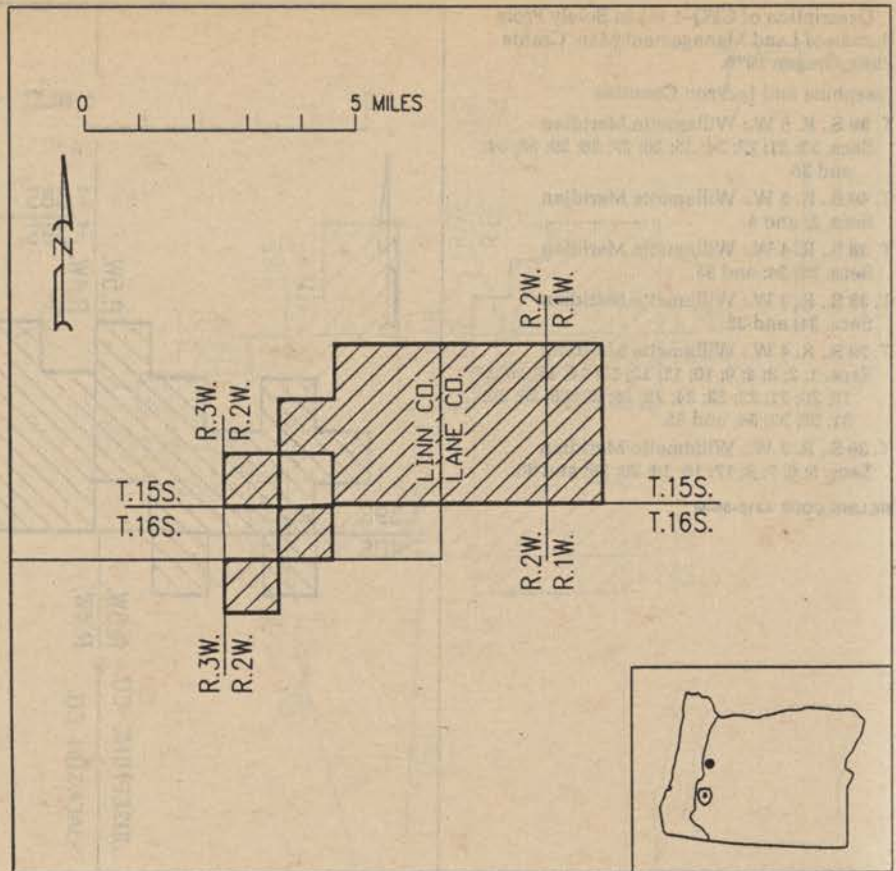
Linn and Lane Counties

T. 15 S., R. 2 W.: Willamette Meridian
Secs. 21; 22; 23; 24; 25; 26; 27; 28; 29; 31; 33;
34; 35; and 36.

T. 15 S., R. 1 W.: Willamette Meridian
Secs. 19; 30; and 31.

T. 16 S., R. 2 W.: Willamette Meridian
Secs. 5; and 7.

BILLING CODE 4310-55-M



MCK-1

BILLING CODE 4310-55-C

Description of MDF-1 taken Solely From
Bureau of Land Management Map; Medford,
Oregon 1978.

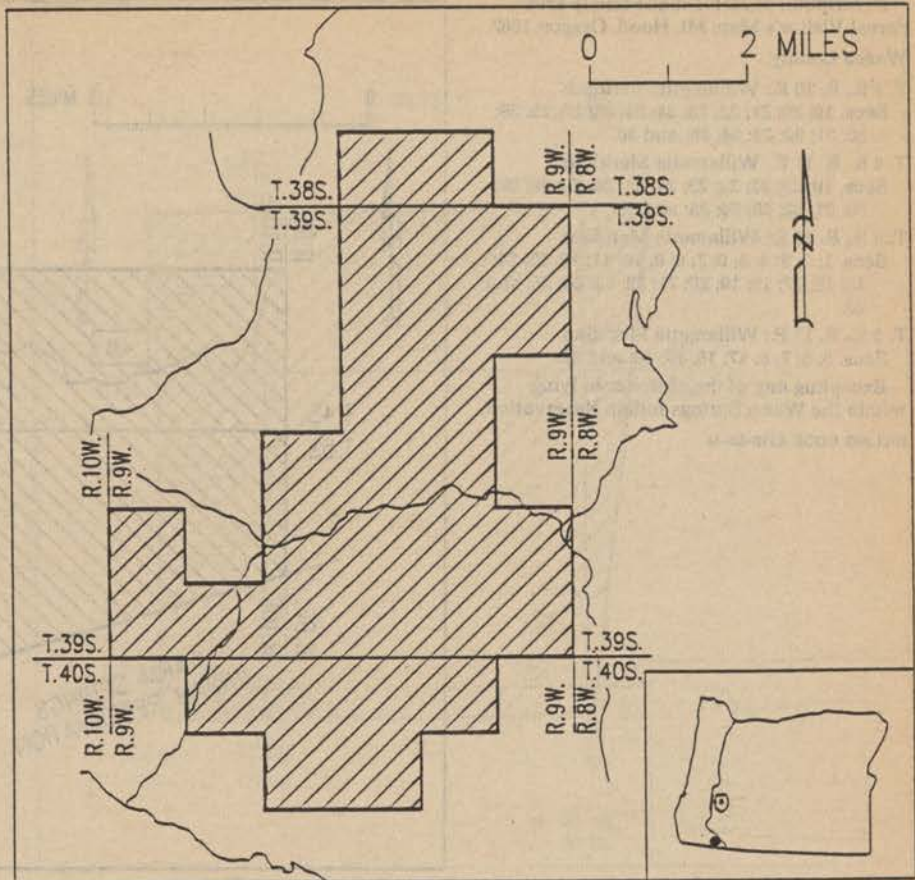
Jackson County

T. 38 S., R. 2 W.: Willamette Meridian
Secs. 34; and 35.

T. 39 S., R. 2 W.: Willamette Meridian
Secs. 1; 2; 3; 10; 11; 12; 14; 15; 21; 22; 23; 25;
26; 27; 28; 30; 31; 32; 33; 34; 35; and 36.

T. 40 S., R. 2 W.: Willamette Meridian
Secs. 2; 3; 4; 5; 9; and 10.

BILLING CODE 4310-55-M



MDF-1

BILLING CODE 4310-55-C

Description of MH-1 taken Solely From
Forest Visitor's Map; Mt. Hood, Oregon 1987.
Wasco County

T. 4 S., R. 10 E.: Willamette Meridian
Secs. 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.

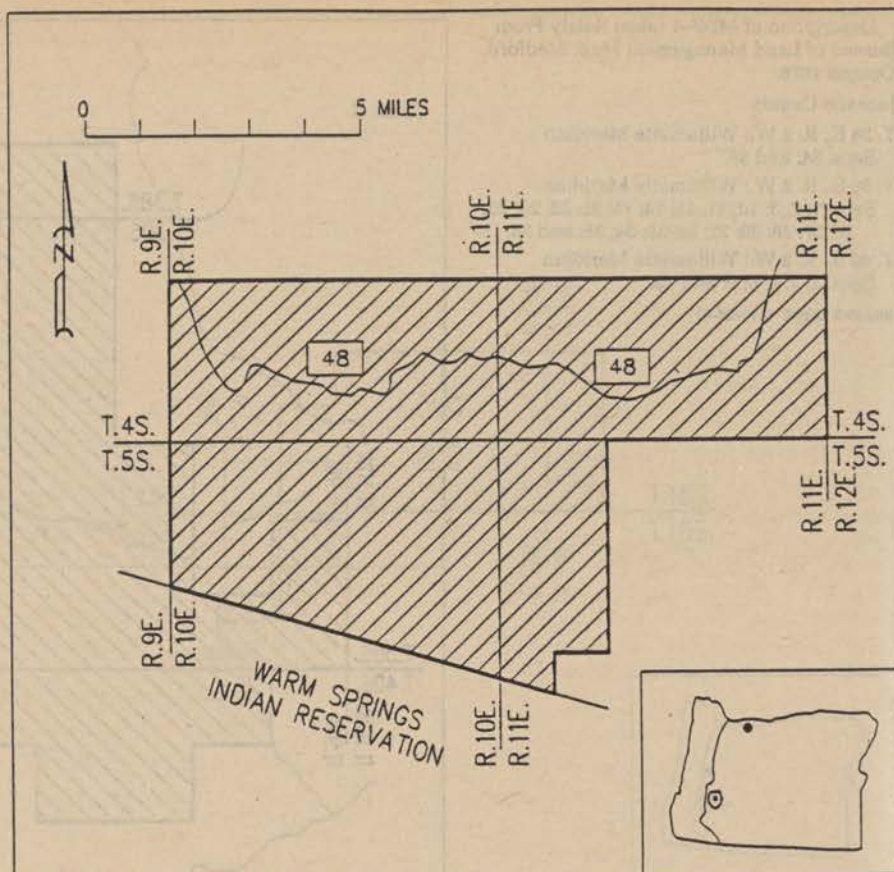
T. 4 S., R. 11 E.: Willamette Meridian
Secs. 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.

T. 5 S., R. 10 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; and
26.

T. 5 S., R. 11 E.: Willamette Meridian
Secs. 5; 6; 7; 8; 17; 18; 19; 20; and 30.

Excepting any of the above area lying
within the Warm Springs Indian Reservation.

BILLING CODE 4310-55-M



MH-1

BILLING CODE 4310-55-C

Description of MH-2 taken Solely From
Forest Visitor's Map; Mt. Hood, Oregon 1987.

Wasco and Clackamas Counties

T. 8 S., R. 7 E.: Willamette Meridian
Secs. 1; and 2.

T. 7 S., R. 7 E.: Willamette Meridian
Secs. 1; 2; 11; 12; 13; 14; 23; 24; 25; 26; 35;
and 36.

T. 6 S., R. 7 E.: Willamette Meridian
Secs. 23; 24; 25; 26; 35; and 36.

T. 8 S., R. 8 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; and 6.

T. 7 S., R. 8 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 6 S., R. 8 E.: Willamette Meridian
Secs. 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.

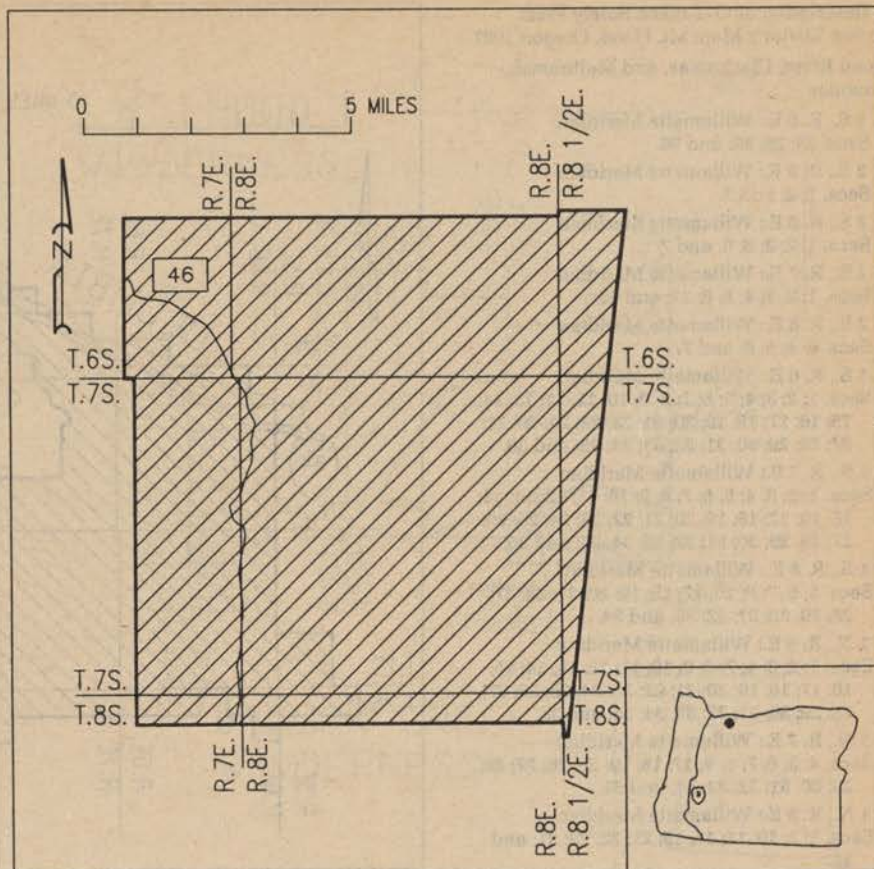
T. 6 S., R. 8 1/2 E.: Willamette Meridian
Secs. 23; 24; 25; 26; 35; and 36.

T. 7 S., R. 8 1/2 E.: Willamette Meridian
Secs. 2; 11; 14; 23; 26; and 35.

T. 8 S., R. 8 1/2 E.: Willamette Meridian
Sec. 2.

Excepting any of the above area lying
within the Warm Springs Indian Reservation.

BILLING CODE 4310-55-M



MH-2

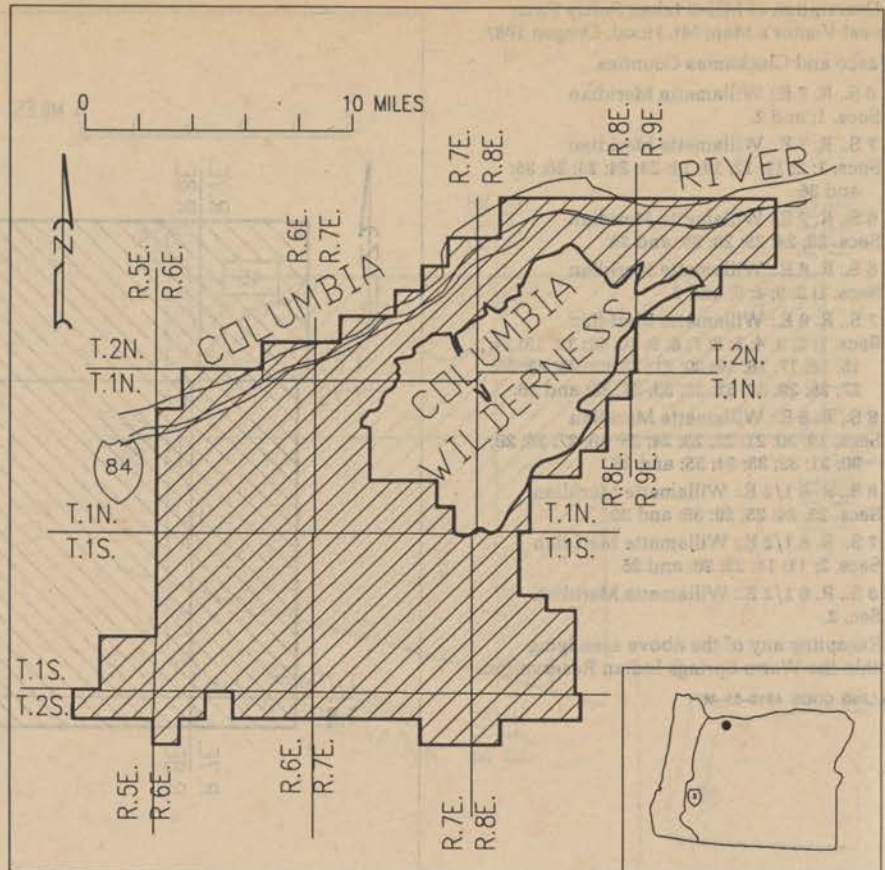
BILLING CODE 4310-55-C

Description of O-1 taken Solely From
Forest Visitor's Map; Mt. Hood, Oregon 1987.
Hood River, Clackamas, and Multnomah
Counties

- T. 1 S., R. 5 E.: Willamette Meridian
Secs. 25; 26; 35; and 36.
- T. 2 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; and 3.
- T. 2 S., R. 6 E.: Willamette Meridian
Secs. 1; 2; 3; 5; 6; and 7.
- T. 2 S., R. 7 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 11; and 12.
- T. 2 S., R. 8 E.: Willamette Meridian
Secs. 3; 4; 5; 6; and 7.
- T. 1 S., R. 6 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 1 S., R. 7 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 1 S., R. 8 E.: Willamette Meridian
Secs. 5; 6; 7; 8; 16; 17; 18; 19; 20; 21; 22; 27;
28; 29; 30; 31; 32; 33; and 34.
- T. 1 N., R. 6 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 1 N., R. 7 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 17; 18; 19; 20; 26; 27; 28;
29; 30; 31; 32; 33; 34; and 35.
- T. 1 N., R. 8 E.: Willamette Meridian
Secs. 1; 2; 10; 11; 14; 15; 21; 22; 29; 31; and
32.
- T. 2 N., R. 8 E.: Willamette Meridian
Secs. 1; 2; 3; 7; 8; 9; 10; 11; 12; 13; 14; 16; 17;
18; 19; 20; 25; 30; and 36.
- T. 2 N., R. 9 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 16; 17; 18; 19;
and 20.
- T. 2 N., R. 7 E.: Willamette Meridian
Secs. 12; 13; 14; 22; 23; 24; 25; 26; 27; 28; 29;
31; 32; 33; 34; and 36.
- T. 2 N., R. 6 E.: Willamette Meridian
Secs. 35; and 36.

Excepting any of the above area lying
within the Columbia Wilderness area, and
the Columbia River.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

□-1

Description of O-2 taken Solely From
Forest Visitor's Map; Mt. Hood, Oregon 1987.
Hood River and Wasco Counties

T. 2 S., R. 9 E.: Willamette Meridian
Sec. 12.

T. 2 S., R. 10 E.: Willamette Meridian
Secs. 7; 8; 9; 13; 14; 15; 16; 17; 18; 19; 20; 21;
22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33;
34; 35; and 36.

T. 2 S., R. 11 E.: Willamette Meridian
Secs. 13; 14; 15; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 3 S., R. 9 E.: Willamette Meridian
Secs. 1; 2; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17;
18; 19; 20; 21; 22; 23; 24; 25; 26; 28; 29; 30;
31; and 32.

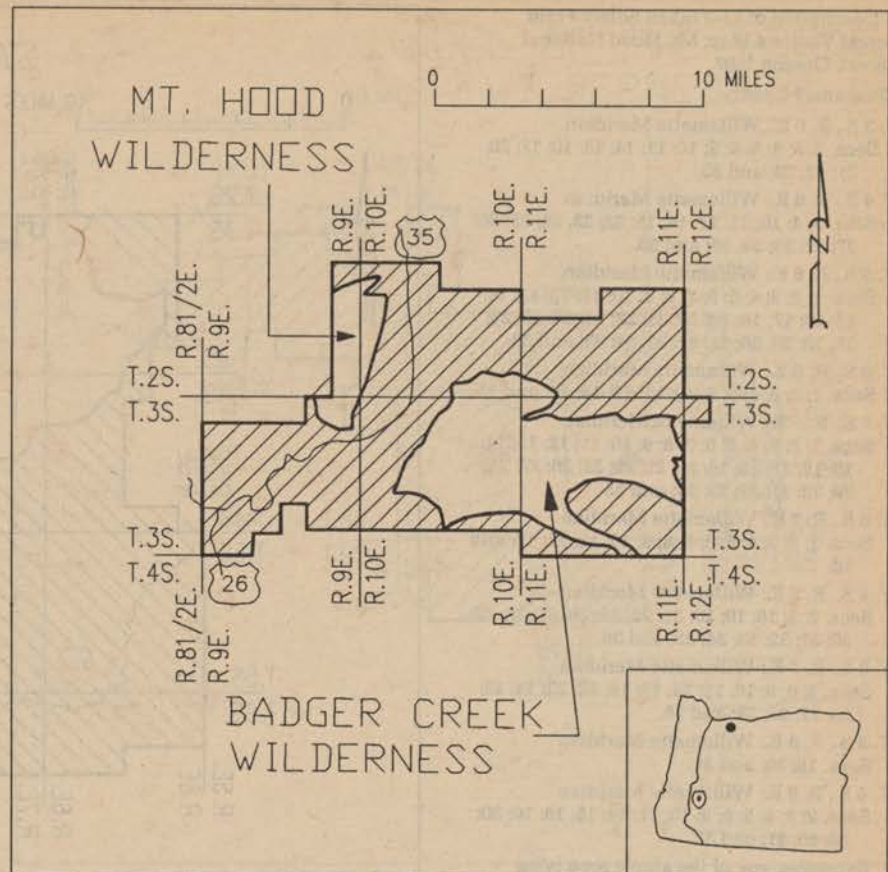
T. 3 S., R. 10 E.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 17; 18; 19; 20; 21; 25;
26; 27; 28; 29; and 30.

T. 3 S., R. 11 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 10; 11; 12; 13; 20; 21;
22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33;
34; 35; and 36.

T. 3 S., R. 12 E.: Willamette Meridian
Sec. 6.

Excepting any of the above area lying
within the Mt. Hood Wilderness and Badger
Creek Wilderness areas.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

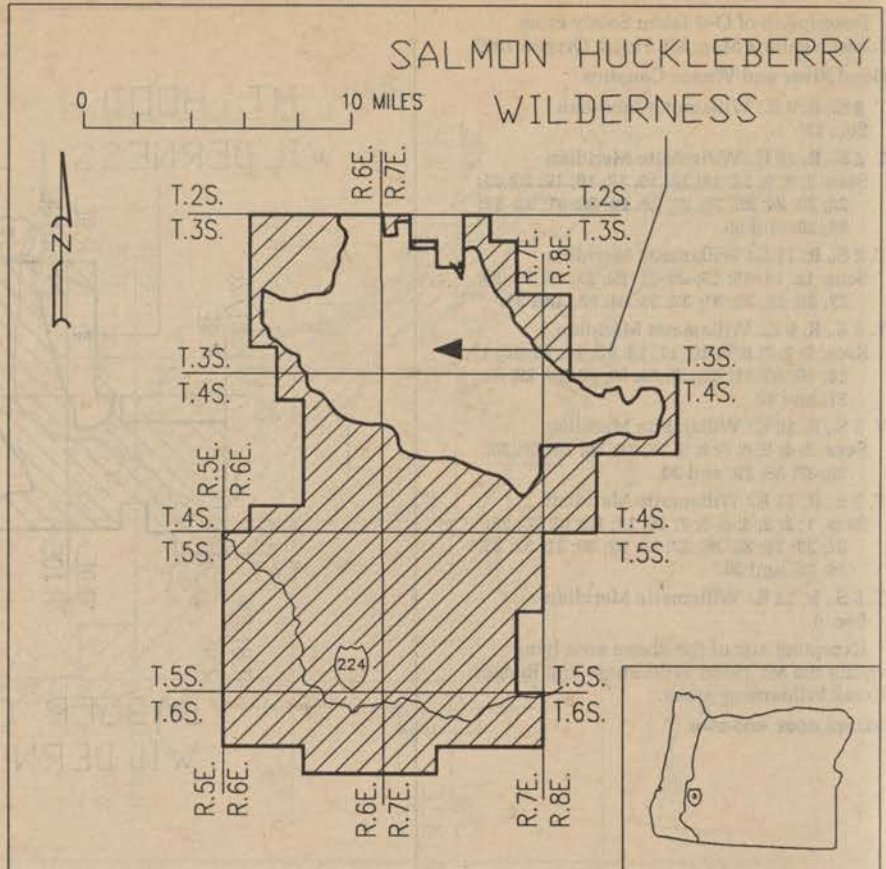
Description of O-3 taken Solely From
Forest Visitor's Map: Mt. Hood National
Forest, Oregon 1987.

Clackamas County

- T. 3 S., R. 6 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 8; 9; 10; 11; 14; 15; 16; 17; 20;
21; 22; 29; and 33.
- T. 4 S., R. 6 E.: Willamette Meridian
Secs. 3; 4; 10; 11; 13; 14; 15; 22; 23; 24; 25; 26;
27; 32; 33; 34; 35; and 36.
- T. 5 S., R. 6 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 6 S., R. 6 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 10; 11; 12; 13; 14; and 15.
- T. 7 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 26; 27; 28;
29; 30; 31; 32; 33; 34; and 35.
- T. 6 S., R. 7 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 17; and
18.
- T. 4 S., R. 7 E.: Willamette Meridian
Secs. 2; 3; 18; 19; 20; 21; 22; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.
- T. 3 S., R. 7 E.: Willamette Meridian
Secs. 3; 6; 8; 10; 11; 14; 15; 16; 22; 23; 24; 25;
26; 27; 33; 34; and 36.
- T. 3 S., R. 8 E.: Willamette Meridian
Secs. 19; 30; and 31.
- T. 4 S., R. 8 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 9; 10; 11; 14; 15; 16; 19; 20;
29; 30; 31; and 32.

Excepting any of the above area lying
within the Salmon-Huckleberry Wilderness
area.

BILLING CODE 4310-55-M



□-3

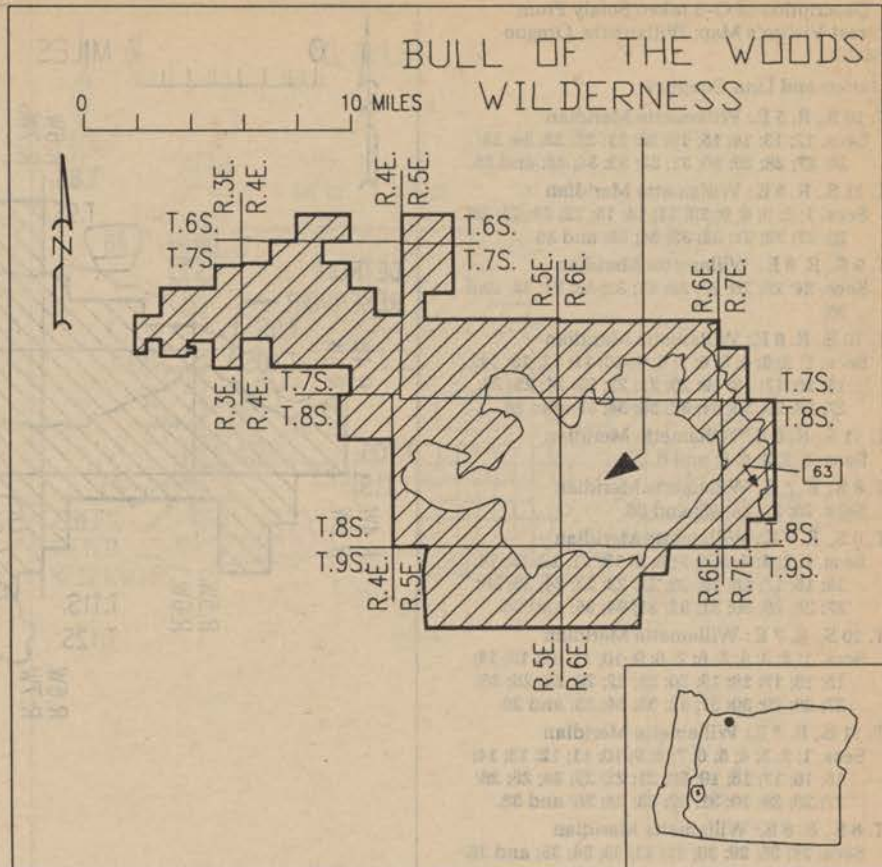
BILLING CODE 4310-55-C

Description of O-4 taken Solely From
Forest Visitor's Map; Mt. Hood, Oregon 1987.
Clackamas and Marion Counties

- T. 7 S., R. 3 E.: Willamette Meridian
Secs. 12; 13; 14; 15; 21; 22; 23; 24; 25; 26; 27;
and 28.
- T. 6 S., R. 4 E.: Willamette Meridian
Secs. 33; and 34.
- T. 7 S., R. 4 E.: Willamette Meridian
Secs. 4; 5; 7; 8; 9; 10; 14; 15; 16; 17; 18; 19; 20;
21; 22; 23; 24; 25; 26; 27; 28; 29; 35; and 36.
- T. 8 S., R. 4 E.: Willamette Meridian
Secs. 1; 2; 11; and 12.
- T. 6 S., R. 5 E.: Willamette Meridian
Secs. 31; and 32.
- T. 7 S., R. 5 E.: Willamette Meridian
Secs. 5; 6; 7; 8; 18; 19; 20; 21; 22; 23; 24; 25;
26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 7 S., R. 6 E.: Willamette Meridian
Secs. 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.
- T. 8 S., R. 5 E.: Willamette Meridian
Secs. 1; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 21; 22; 27; 28; 29; 30; 31; 32;
33; and 34.
- T. 9 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28;
29; 30; 31; 32; 33; 35; and 36.
- T. 7 S., R. 7 E.: Willamette Meridian
Secs. 30; and 31.
- T. 8 S., R. 6 E.: Willamette Meridian
Secs. 1; 2; 5; 6; 7; 11; 12; 13; 24; 25; 26; 34; 35;
and 36.
- T. 9 S., R. 6 E.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 16; 17; and 18.
- T. 8 S., R. 7 E.: Willamette Meridian
Secs. 5; 6; 7; 8; 17; 18; 19; 20; 29; 30; and 31.

Excepting any of the above area lying
within the Bull of the Woods Wilderness
area.

BILLING CODE 4310-55-M



□-4

BILLING CODE 4310-55-C

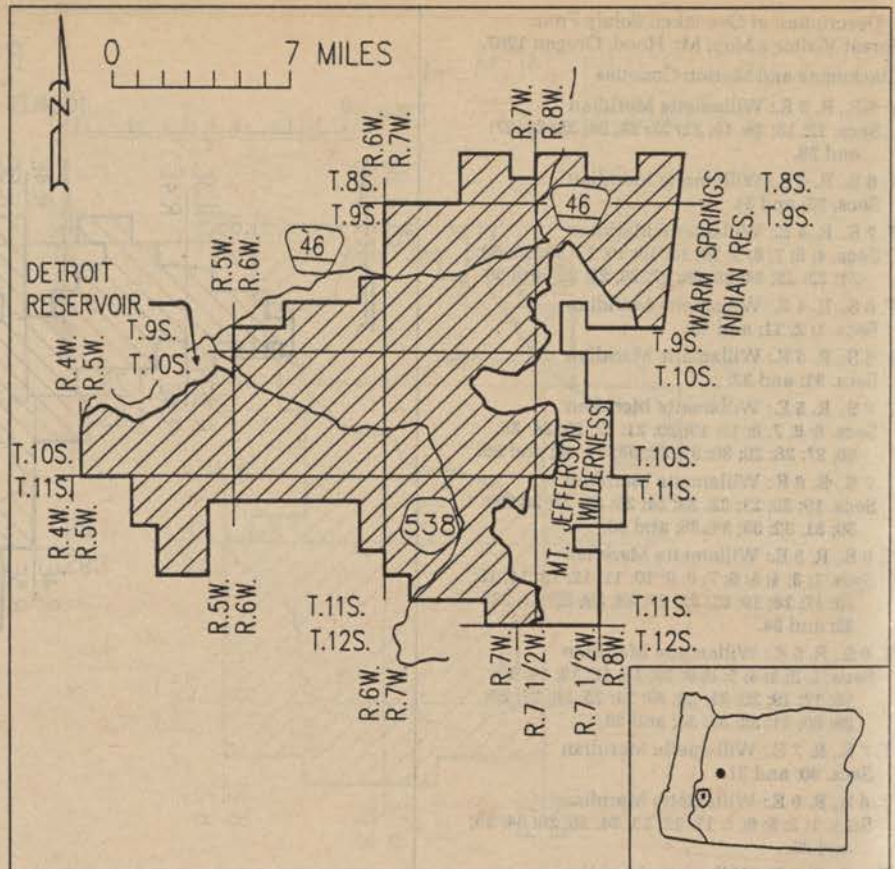
Description of O-5 taken Solely From
Forest Visitor's Map; Willamette, Oregon
1990.

Marion and Linn Counties

- T. 10 S., R. 5 E.: Willamette Meridian
Secs. 12; 13; 14; 15; 19; 20; 21; 22; 23; 24; 25;
26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 11 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; 14; 15; 22; 23; 24; 25;
26; 27; 28; 31; 32; 33; 34; 35; and 36.
- T. 9 S., R. 6 E.: Willamette Meridian
Secs. 24; 25; 26; 27; 28; 31; 32; 33; 34; 35; and
36.
- T. 10 S., R. 6 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 11 S., R. 6 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; and 6.
- T. 8 S., R. 7 E.: Willamette Meridian
Secs. 26; 27; 34; 35; and 36.
- T. 9 S., R. 7 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 10 S., R. 7 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 11 S., R. 7 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 8 S., R. 8 E.: Willamette Meridian
Secs. 25; 26; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 9 S., R. 8 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 21; 22; 23; 26; 27; and 31.
- T. 10 S., R. 8 E.: Willamette Meridian
Secs. 17; 18; 19; 20; 29; 30; 31; and 32.
- T. 11 S., R. 7 1/2 E.: Willamette Meridian
Secs. 22; 23; 26; 27; 34; and 35.

Excepting any of the above area lying
within the Mt. Jefferson Wilderness area.

BILLING CODE 4310-55-M



O-5

BILLING CODE 4310-55-C

Description of O-6 taken Solely From
Forest Visitor's Map; Willamette, Oregon
1990.

Linn County

- T. 11 S., R. 2 E.: Willamette Meridian
Secs. 12; 13; and 24.
- T. 12 S., R. 2 E.: Willamette Meridian
Secs. 11; 12; 13; 14; 15; 23; 24; and 27.
- T. 11 S., R. 3 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 32; 33; 34; 35; and 36.
- T. 12 S., R. 3 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 15; 16; 17;
19; 20; 21; 28; 29; 30; 31; and 32.
- T. 11 S., R. 4 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 12 S., R. 4 E.: Willamette Meridian
Secs. 1; and 2.
- T. 11 S., R. 5 E.: Willamette Meridian
Secs. 5; 6; 7; 8; 16; 17; 19; 20; 21; 26; 27; 28;
29; 30; 31; 32; 33; 34; and 35.
- T. 12 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 11; 12; 13; 14; 19; 20;
23; 24; 25; 26; 27; 28; 29; 30; 32; 34; and 36.
- T. 13 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; 4; 6; 8; 10; 12; 14; 16; 18; 20; 22; 24;
25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and
36. Excepting All Private Land in Sec. 1
- T. 12 S., R. 6 E.: Willamette Meridian
Secs. 7; 18; 19; 23; 24; 25; 26; 27; 29; 30; 32;
33; 34; 35; and 36.
- T. 13 S., R. 6 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 6; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 27; 28; 29;
30; 31; 32; 33; and 34.

Excepting All Private Land in Secs. 17 and
19.

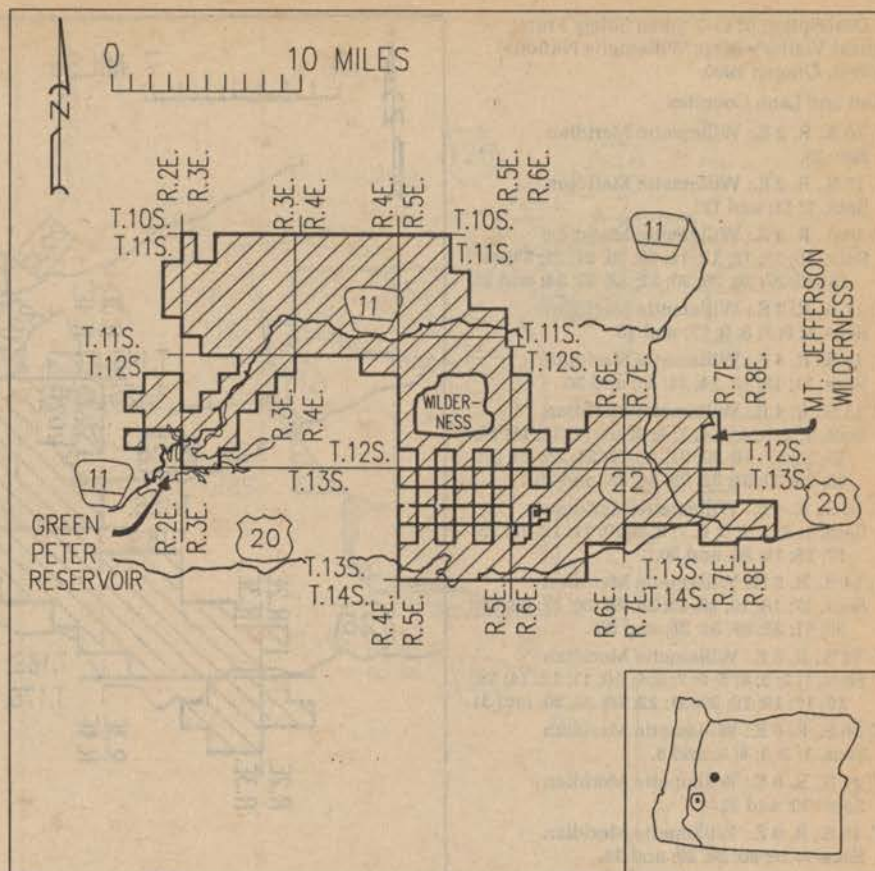
- T. 12 S., R. 7 E.: Willamette Meridian
Secs. 19; 20; 21; 22; 23; 27; 28; 29; 30; 31; 32;
33; and 34.

- T. 13 S., R. 7 E.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 13; 14; 15; 16; 17;
18; 23; and 24.

- T. 13 S., R. 7½ E.: Willamette Meridian
Secs. 15; 16; 21; and 22.

Excepting any of the above area lying
within the Middle Santiam and Mt. Jefferson
Wilderness areas, and the Green Peter
Reservoir.

BILLING CODE 4310-55-M



O-6

BILLING CODE 4310-55-C

Description of O-7 taken Solely From
Forest Visitor's Map, Willamette National
Forest, Oregon 1990.

Linn and Lane Counties

T. 16 S., R. 2 E.: Willamette Meridian
Sec. 25.

T. 17 S., R. 2 E.: Willamette Meridian
Secs. 1; 11; and 12.

T. 16 S., R. 3 E.: Willamette Meridian
Secs. 10; 11; 12; 13; 14; 15; 20; 21; 22; 23; 24;
25; 26; 27; 28; 29; 30; 31; 32; 33; 34; and 35.

T. 17 S., R. 3 E.: Willamette Meridian
Secs. 5; 6; 7; 8; 9; 17; and 18.

T. 14 S., R. 4 E.: Willamette Meridian
Secs. 11; 12; 13; 14; 31; 32; and 36.

T. 15 S., R. 4 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 16 S., R. 4 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 15; 16;
17; 18; 19; 20; and 30.

T. 14 S., R. 5 E.: Willamette Meridian
Secs. 17; 18; 19; 20; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.

T. 15 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 14; 15;
16; 17; 18; 19; 20; 21; 22; 28; 29; 30; and 31.

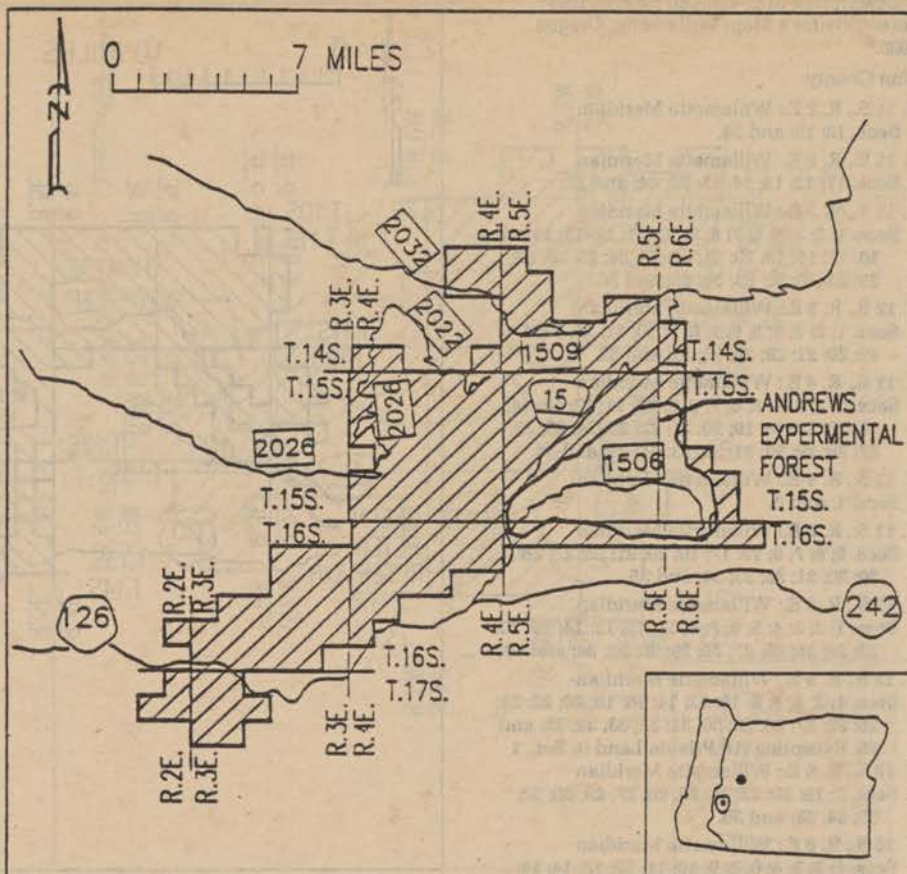
T. 16 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; and 6.

T. 14 S., R. 6 E.: Willamette Meridian
Secs. 30; and 31.

T. 15 S., R. 6 E.: Willamette Meridian
Secs. 7; 18; 20; 28; 29; and 33.

T. 16 S., R. 6 E.: Willamette Meridian
Secs. 4; 5; and 6.

BILLING CODE 4310-55-M



O-7

BILLING CODE 4310-55-C

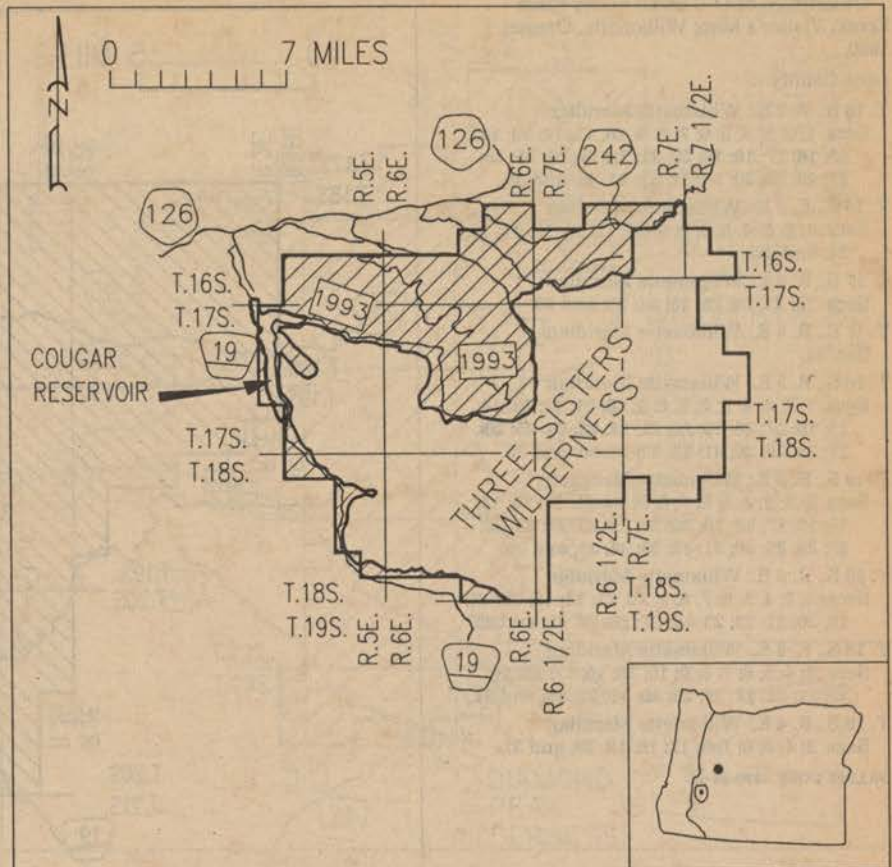
Description of O-8 taken Solely From
Forest Visitor's Map; Willamette, Oregon
1990.

Lane County

- T. 16 S., R. 5 E.: Willamette Meridian
Secs. 25; 26; 27; 28; 33; 34; 35; and 36.
- T. 17 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 15; 16; 17;
20; 21; 22; 28; and 33.
- T. 18 S., R. 5 E.: Willamette Meridian
Secs. 3; 4; 11; 12; 14; 23; and 25.
- T. 16 S., R. 6 E.: Willamette Meridian
Secs. 14; 15; 22; 23; 24; 25; 26; 27; 28; 29; 30;
31; 32; 33; 34; 35; and 36.
- T. 17 S., R. 6 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; and 33.
- T. 17 S., R. 6 1/2 E.: Willamette Meridian
Secs. 16; 21; and 28.
- T. 18 S., R. 6 E.: Willamette Meridian
Secs. 28; 29; 30; 34; and 35.
- T. 16 S., R. 7 E.: Willamette Meridian
Secs. 13; 14; 15; 16; 19; 20; 21; 22; 27; 28; 29;
30; 31; 32; and 33.

Excepting any of the above area lying
within the Olallie Research Natural area,
Lamb Butte Scenic area, Three Sisters
Wilderness area and Cougar Reservoir.

BILLING CODE 4310-55-M



O-8

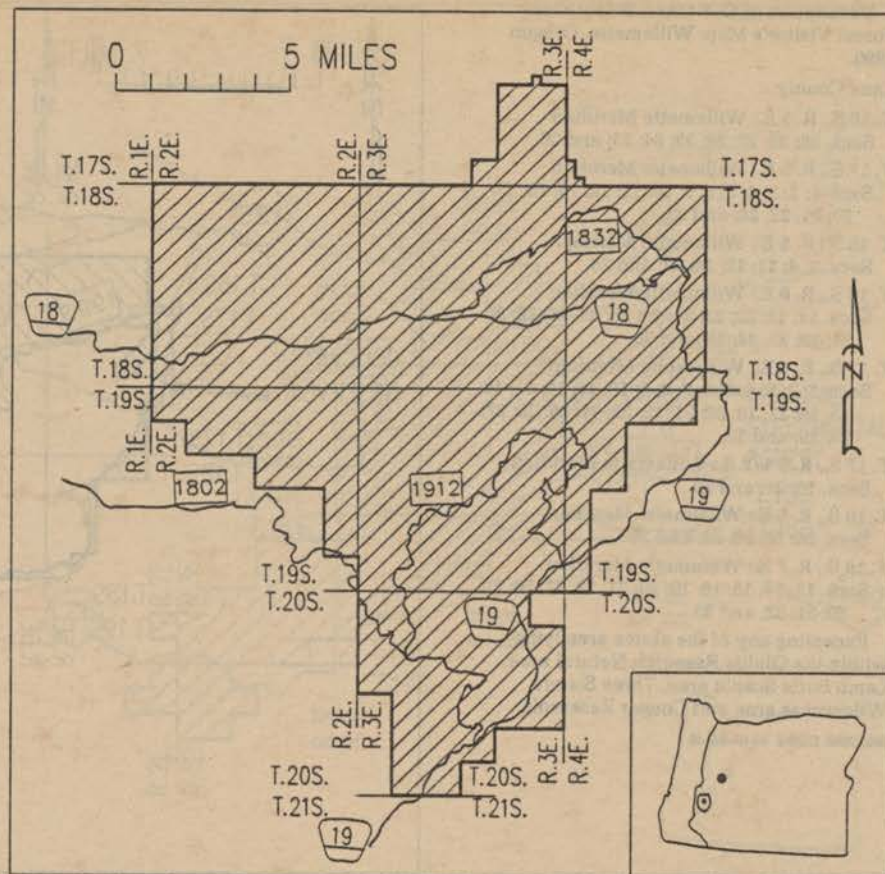
BILLING CODE 4310-55-C

Description of O-9 taken Solely From
Forest Visitor's Map: Willamette, Oregon
1990.

Lane County

- T. 18 S., R. 2 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 19 S., R. 2 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 8; 9; 10; 11; 12; 13; 14; 15;
24; and 25.
- T. 17 S., R. 3 E.: Willamette Meridian
Secs. 13; 23; 24; 25; 26; 34; 35; and 36.
- T. 17 S., R. 4 E.: Willamette Meridian
Sec. 31.
- T. 18 S., R. 3 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 19 S., R. 3 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 20 S., R. 3 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 15; 16; 17;
18; 20; 21; 22; 23; 24; 27; 28; 29; 32; and 33.
- T. 18 S., R. 4 E.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 15; 16; 17; 18; 19;
20; 21; 22; 27; 28; 29; 30; 31; 32; 33; and 34.
- T. 19 S., R. 4 E.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 17; 18; 19; 30; and 31.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

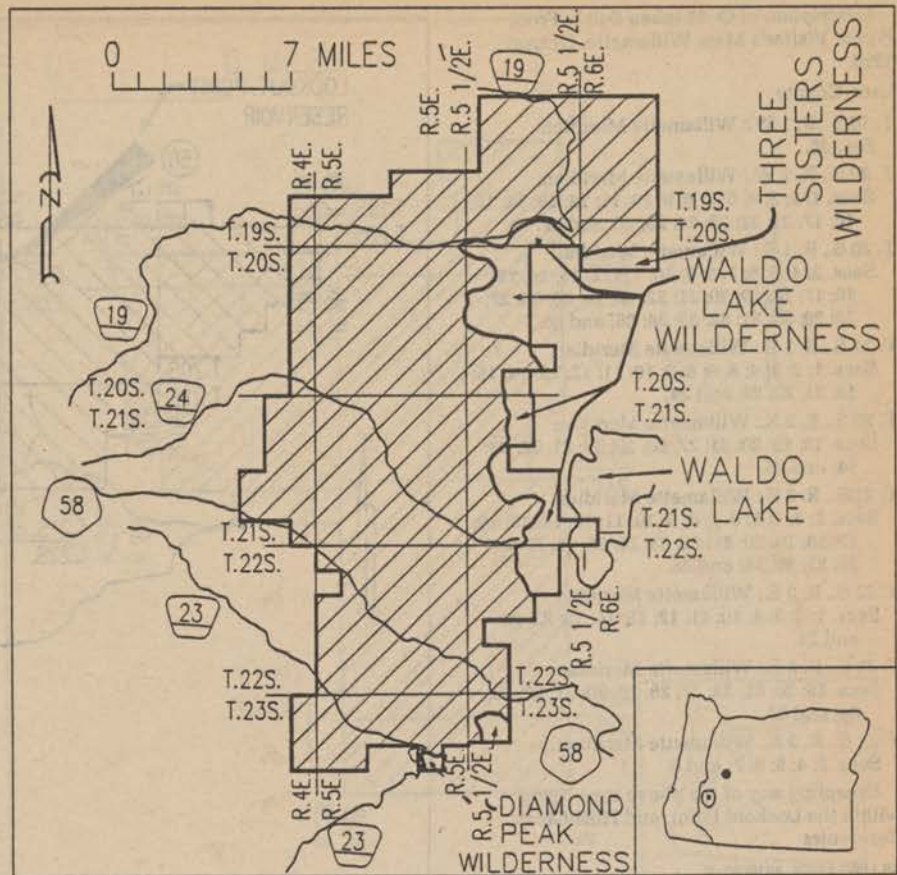
Description of O-10 taken Solely From Forest Visitor's Map; Willamette, Oregon 1990.

Lane County

- T. 19 S., R. 4 E.: Willamette Meridian
Secs. 25; and 36.
- T. 20 S., R. 4 E.: Willamette Meridian
Secs. 1; 12; 13; 24; 25; and 36.
- T. 21 S., R. 4 E.: Willamette Meridian
Secs. 1; 2; 11; 12; 13; 14; 22; 23; 24; 25; 26; 27; and 36.
- T. 23 S., R. 4 E.: Willamette Meridian
Secs. 1; 12; and 13.
- T. 19 S., R. 5 E.: Willamette Meridian
Secs. 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 20 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 21 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 22 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 23 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 14; 17; and 18.
- T. 19 S., R. 5 1/2 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 16; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 32; 33; 34; and 36.
- T. 20 S., R. 5 1/2 E.: Willamette Meridian
Secs. 4; 5; 8; 9; 10; 20; 21; 22; 26; 27; 28; 29; 32; 33; and 34.
- T. 21 S., R. 5 1/2 E.: Willamette Meridian
Secs. 3; 4; 5; 8; 9; 16; 17; 20; 21; 22; 23; 26; 27; 28; 29; 32; 33; 34; 35; and 36.
- T. 22 S., R. 5 1/2 E.: Willamette Meridian
Secs. 3; 4; 5; 8; 9; 10; 15; 16; 17; 20; 28; 29; 32; and 33.
- T. 19 S., R. 6 E.: Willamette Meridian
Secs. 7; 8; 9; 16; 17; 18; 19; 20; 21; 28; 29; 30; 31; 32; and 33.
- T. 20 S., R. 6 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; and 9.
- T. 23 S., R. 5 1/2 E.: Willamette Meridian
Secs. 4; 5; 8; and 9.

Excepting any of the above area lying within the Diamond Peak Wilderness, Waldo Lake Wilderness and the Three Sisters Wilderness areas.

BILLING CODE 4310-55-M



O-10

BILLING CODE 4310-55-C

Description of O-11 taken Solely From
Forest Visitor's Map; Willamette, Oregon
1990.

Lane County

T. 19 S., R. 1 W.: Willamette Meridian
Sec. 35.

T. 20 S., R. 1 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 21; 22; 23; 24; 25; 26; and 27.

T. 20 S., R. 1 E.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 21 S., R. 1 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 8; 9; 10; 11; 12; 13; 14; 15;
16; 21; 22; 23; and 24.

T. 20 S., R. 2 E.: Willamette Meridian
Secs. 18; 19; 20; 21; 27; 28; 29; 30; 31; 32; 33;
34; and 35.

T. 21 S., R. 2 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 13; 14; 15; 16;
17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28;
29; 33; 34; 35; and 36.

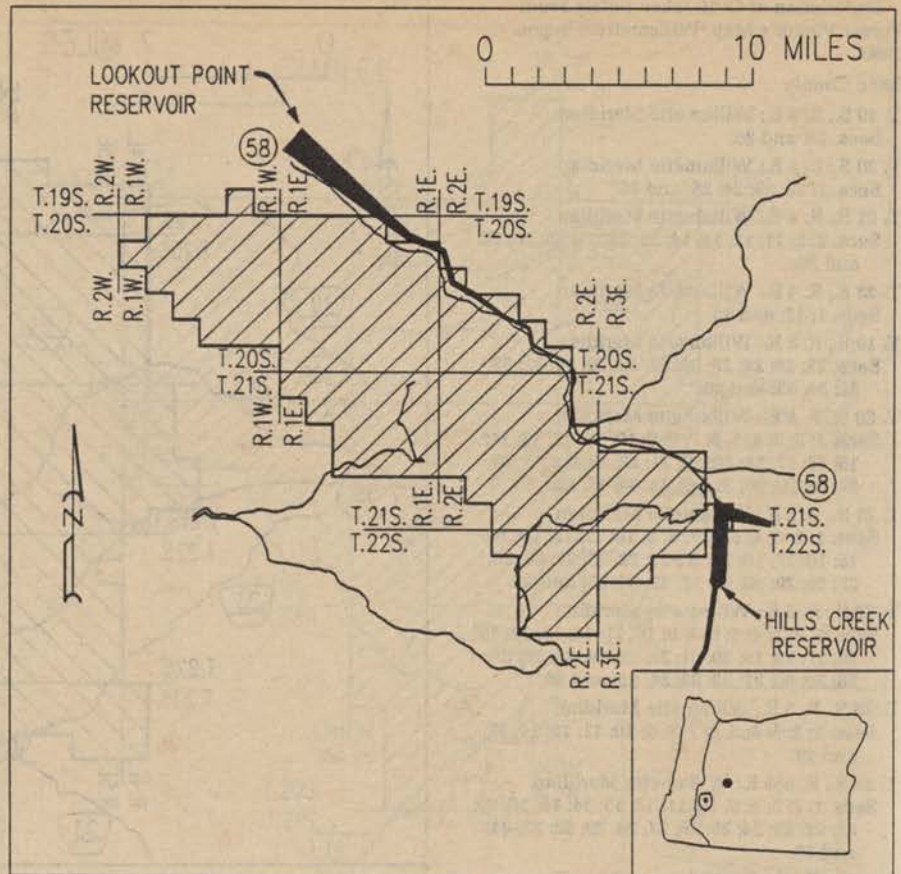
T. 22 S., R. 2 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 10; 11; 12; 13; 14; 15; 22; 23;
and 24.

T. 21 S., R. 3 E.: Willamette Meridian
Secs. 19; 20; 21; 22; 27; 28; 29; 30; 31; 32; 33;
34; and 35.

T. 22 S., R. 3 E.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; and 8.

Excepting any of the above area living
within the Lookout Point, and Hills Creek
Reservoirs

BILLING CODE 4310-55-M



O-11

BILLING CODE 4310-55-C

Description of O-12 taken Solely From
Bureau of Land Management Map: Oakridge,
Oregon 1974.

Douglas and Lane Counties

T. 22 S., R. 2 W.: Willamette Meridian
Secs. 31; 32; 33; 34; 35; and 36.

T. 23 S., R. 2 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 32; 33; 34; 35; and 36.

T. 24 S., R. 2 W.: Willamette Meridian
Secs. 1; 2; and 3.

T. 22 S., R. 1 W.: Willamette Meridian
Secs. 13; 14; 15; 22; 23; 24; 25; 26; 27; 31; 32;
33; 34; and 35.

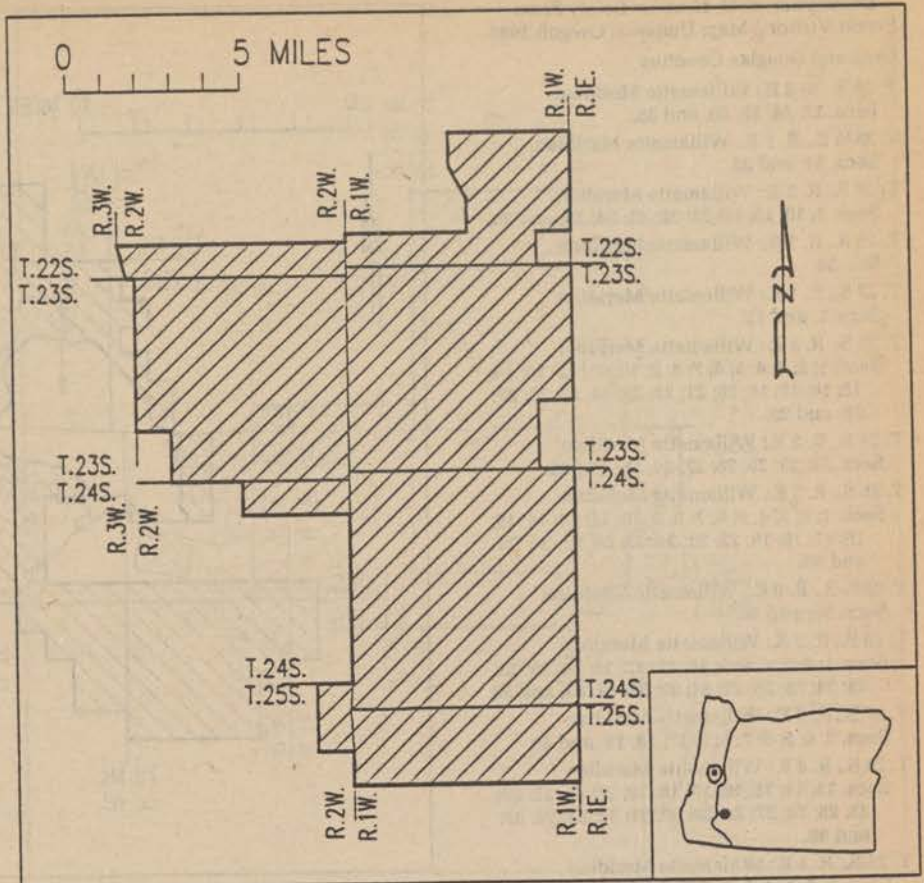
T. 23 S., R. 1 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 26; 27;
28; 29; 30; 31; 32; 33; 34; and 35.

T. 24 S., R. 1 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 25 S., R. 1 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; and 12.

T. 25 S., R. 2 W.: Willamette Meridian
Sec. 1.

BILLING CODE 4310-55-M



O-12

BILLING CODE 4310-55-C

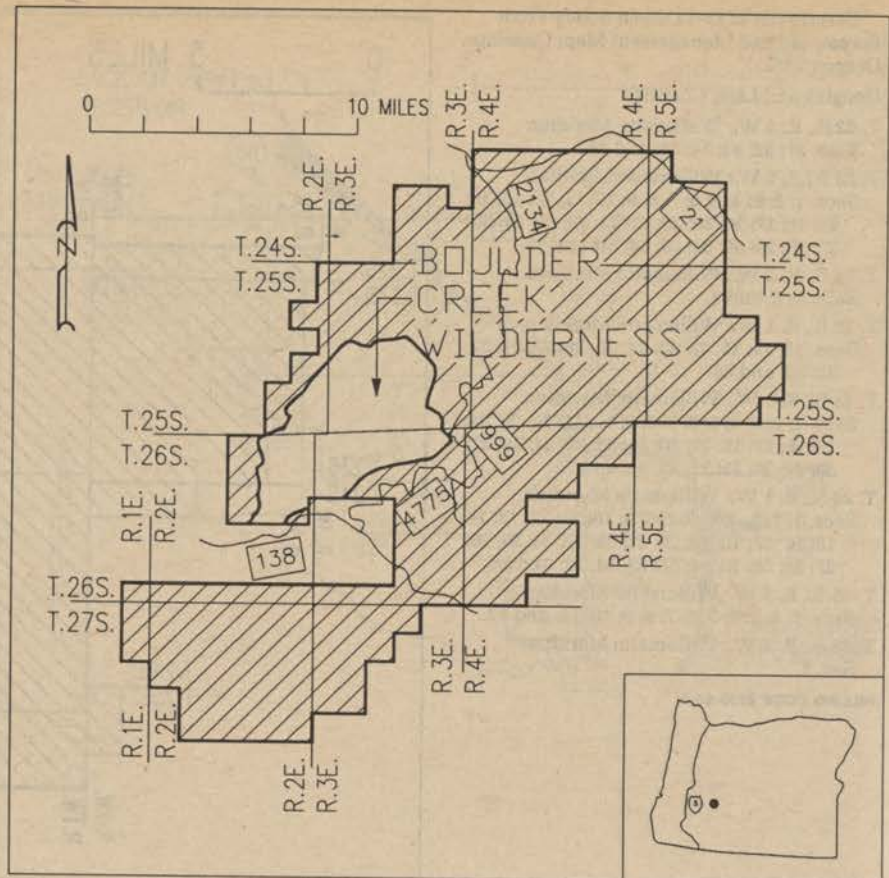
Description of O-13 taken Solely From
Forest Visitor's Map; Umpqua, Oregon 1985.

Lane and Douglas Counties

- T. 25 S., R. 2 E.: Willamette Meridian
Secs. 12; 24; 25; 26; and 35.
- T. 25½ S., R. 2 E.: Willamette Meridian
Secs. 34; and 35.
- T. 26 S., R. 2 E.: Willamette Meridian
Secs. 3; 10; 13; 15; 31; 32; 33; 34; 35; and 36.
- T. 26 S., R. 1 E.: Willamette Meridian
Sec. 36.
- T. 27 S., R. 1 E.: Willamette Meridian
Secs. 1; and 12.
- T. 27 S., R. 2 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 20; 21; 22; 23; 24; 25; 26; 27;
28; and 29.
- T. 24 S., R. 3 E.: Willamette Meridian
Secs. 22; 23; 25; 26; 27; 34; 35; and 36.
- T. 25 S., R. 3 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 13; 14; 15;
16; 17; 18; 19; 22; 23; 24; 25; 26; 27; 34; 35;
and 36.
- T. 25½ S., R. 3 E.: Willamette Meridian
Secs. 35; and 36.
- T. 26 S., R. 3 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 8; 9; 10; 11; 12; 13; 14; 15; 22;
23; 24; 25; 26; 27; 31; 32; 33; 34; 35; and 36.
- T. 27 S., R. 3 E.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 17; 18; 19; and 20.
- T. 24 S., R. 4 E.: Willamette Meridian
Secs. 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23;
24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35;
and 36.
- T. 25 S., R. 4 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 25½ S., R. 4 E.: Willamette Meridian
Secs. 31; 32; 33; 34; 35; and 36.
- T. 26 S., R. 4 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 17; 18; 19; 20;
21; 22; 27; 28; 29; 30; 31; and 32.
- T. 24 S., R. 5 E.: Willamette Meridian
Secs. 18; 19; 20; 21; 28; 29; 30; 31; 32; and 33.
- T. 25 S., R. 5 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 15; 16; 17; 18; 19; 20; 21;
22; 23; 26; 27; 28; 29; 30; 31; 32; 33; and 34.

Excepting any of the above area lying
within the Boulder Creek Wilderness area.

BILLING CODE 4310-55-M



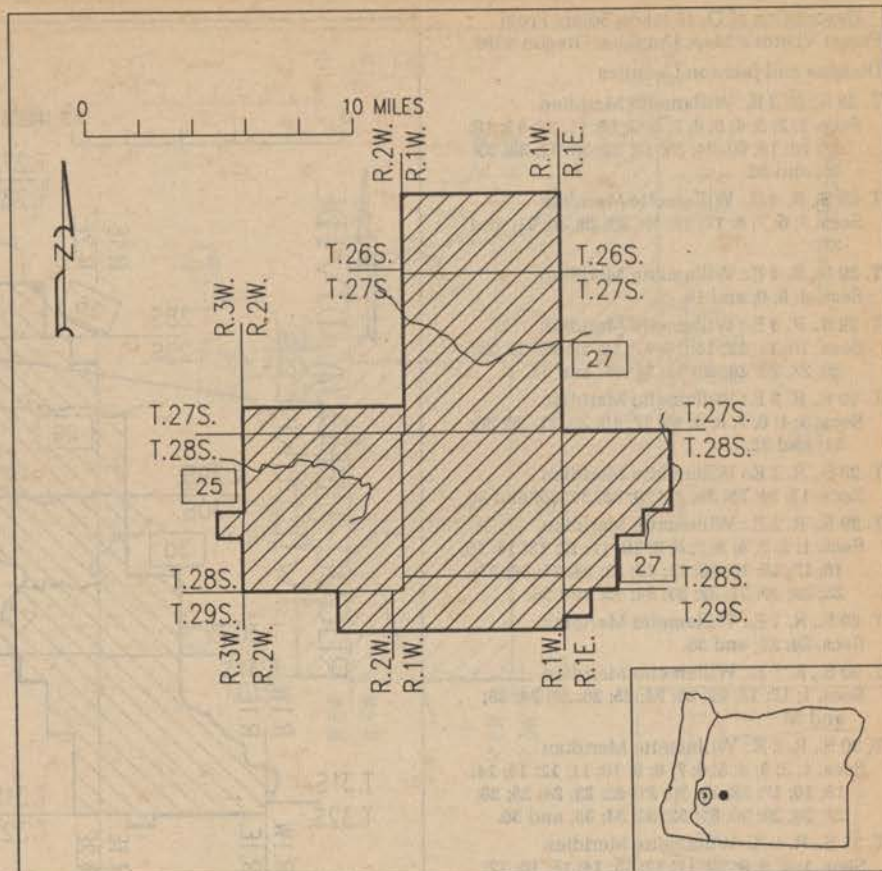
□-13

BILLING CODE 4310-55-C

Description of O-14 taken Solely From
Forest Visitor's Map; Umpqua, Oregon 1985.
Douglas County

- T. 26 S., R. 1 W.: Willamette Meridian
Secs. 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.
- T. 27 S., R. 1 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 27 S., R. 2 W.: Willamette Meridian
Secs. 31; 32; 33; 34; 35; and 36.
- T. 28 S., R. 1 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 28 S., R. 2 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 28 S., R. 3 W.: Willamette Meridian
Sec. 24.
- T. 29 S., R. 1 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; and 12.
- T. 29 S., R. 2 W.: Willamette Meridian
Secs. 1; 2; 11; and 12.
- T. 28 S., R. 1 E.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 15; 16; 17; 18; 19;
20; 21; 29; 30; 31; and 32.
- T. 29 S., R. 1 E.: Willamette Meridian
Sec. 6.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

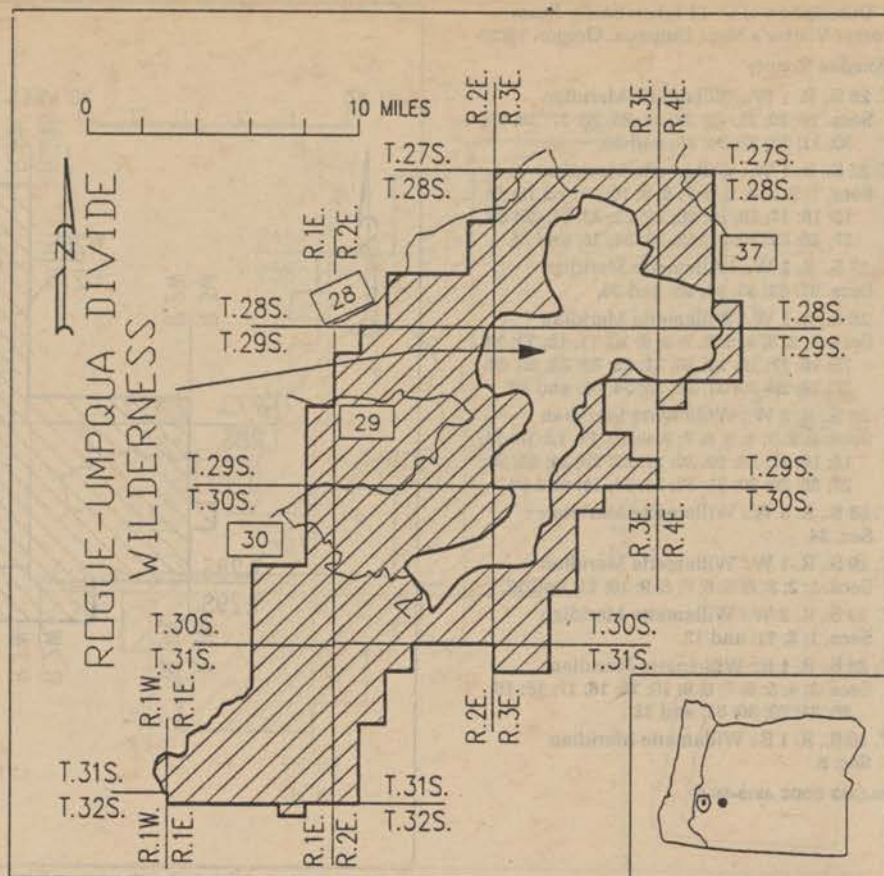
□-14

Description of O-15 taken Solely From
Forest Visitor's Map; Umpqua, Oregon 1985.
Douglas and Jackson Counties

- T. 28 S., R. 3 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 16;
17; 18; 19; 20; 24; 25; 28; 29; 30; 31; 32; 33;
35; and 36.
- T. 28 S., R. 4 E.: Willamette Meridian
Secs. 5; 6; 7; 8; 17; 18; 19; 20; 29; 30; 31; and
33.
- T. 29 S., R. 4 E.: Willamette Meridian
Secs. 4; 8; 9; and 18.
- T. 29 S., R. 3 E.: Willamette Meridian
Secs. 10; 11; 12; 15; 16; 17; 18; 19; 20; 21; 22;
26; 27; 28; 29; 30; 33; 34; 35; and 36.
- T. 30 S., R. 3 E.: Willamette Meridian
Secs. 3; 4; 6; 7; 8; 9; 16; 17; 19; 20; 21; 29; 30;
31; and 32.
- T. 28 S., R. 2 E.: Willamette Meridian
Secs. 13; 24; 25; 26; 27; 28; 33; 34; 35; and 36.
- T. 29 S., R. 2 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 29 S., R. 1 E.: Willamette Meridian
Secs. 24; 25; and 36.
- T. 30 S., R. 1 E.: Willamette Meridian
Secs. 1; 12; 13; 22; 23; 24; 25; 26; 27; 34; 35;
and 36.
- T. 30 S., R. 2 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 31 S., R. 1 E.: Willamette Meridian
Secs. 1; 2; 3; 9; 10; 11; 12; 13; 14; 15; 16; 17;
19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30;
31; 32; 33; 34; 35; and 36.
- T. 32 S., R. 1 E.: Willamette Meridian
Sec. 2.
- T. 31 S., R. 1 W.: Willamette Meridian
Secs. 25; and 36.
- T. 31 S., R. 2 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 17; 18; 19; 30; and 31.
- T. 31 S., R. 3 E.: Willamette Meridian
Secs. 5; and 6.

Excepting any of the above area lying
within the Rogue-Umpqua Divide Wilderness
area.

BILLING CODE 4310-55-M



O-15

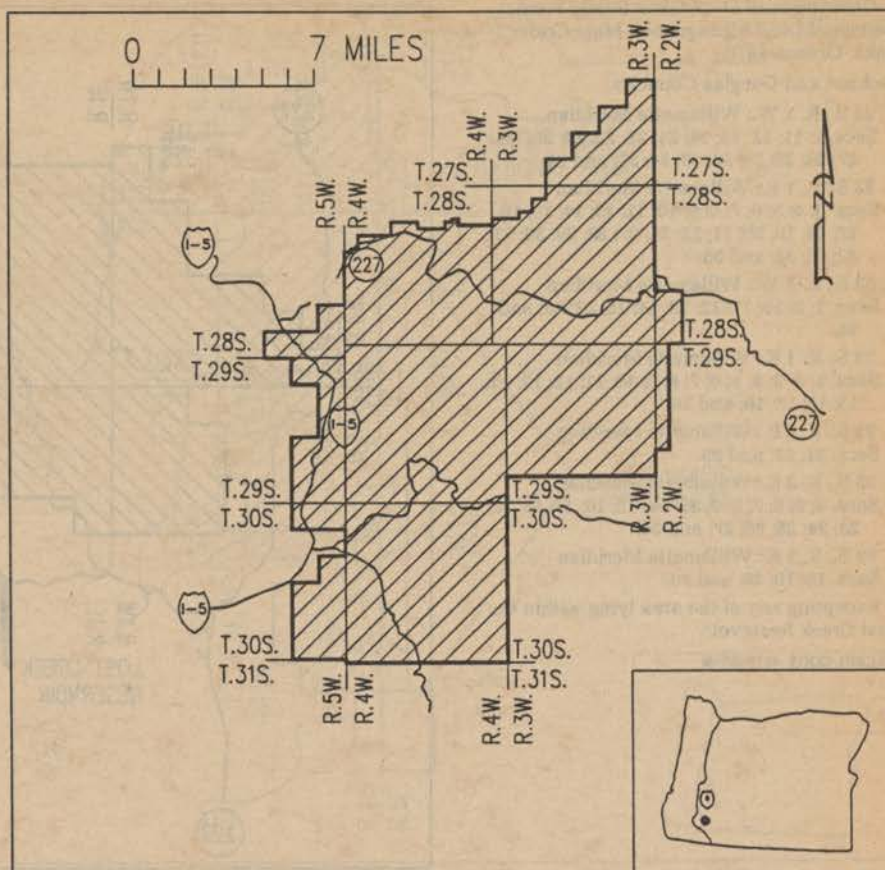
BILLING CODE 4310-55-C

Description of O-16 taken Solely From
Bureau of Land Management Maps;
Canyonville 1979, Crater Lake 1978, and
Roseburg 1979, Oregon.

Douglas and Jackson Counties

- T. 32 S., R. 5 W.: Willamette Meridian
Secs. 1; 2; 13; 23; 24; 25; 26; 35; and 36.
- T. 31 S., R. 5 W.: Willamette Meridian
Secs. 1; 2; 12; 13; 23; 24; 25; 26; 35; and 36.
- T. 30 S., R. 5 W.: Willamette Meridian
Secs. 34; 35; and 36.
- T. 32 S., R. 4 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 31 S., R. 4 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 30 S., R. 4 W.: Willamette Meridian
Secs. 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18;
19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30;
31; 32; 33; 34; 35; and 36.
- T. 30 S., R. 3 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 30 S., R. 2 W.: Willamette Meridian
Sec. 31.
- T. 29 S., R. 3 W.: Willamette Meridian
Secs. 13; 23; 24; 25; 26; 27; 33; 34; 35; and 36.
- T. 31 S., R. 2 W.: Willamette Meridian
Sec. 6.
- T. 31 S., R. 3 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; and 30.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

O-16

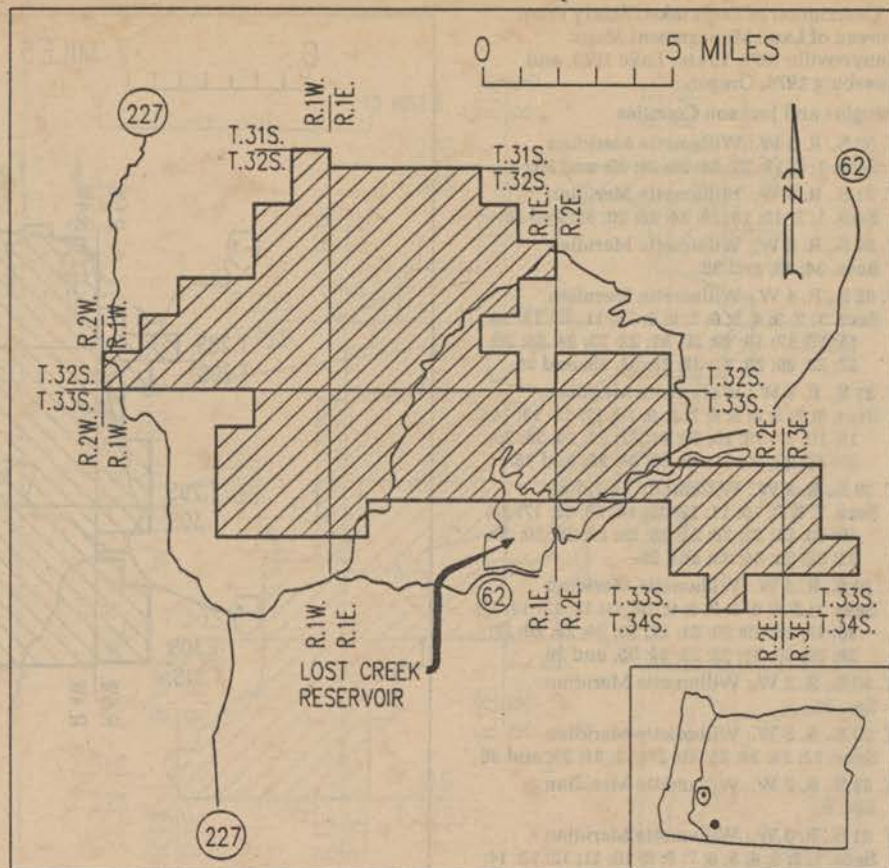
Description of O-17 taken Solely From
Bureau of Land Management Map; Crater
Lake, Oregon 1978.

Jackson and Douglas Counties

- T. 32 S., R. 1 W.: Willamette Meridian
Secs. 1; 11; 12; 13; 14; 21; 22; 23; 24; 25; 26;
27; 28; 29; 31; 32; 33; 34; 35; and 36.
- T. 32 S., R. 1 E.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 11; 13; 14; 15; 16;
17; 18; 19; 20; 21; 22; 23; 27; 28; 29; 30; 31;
32; 33; 34; and 35.
- T. 33 S., R. 1 W.: Willamette Meridian
Secs. 1; 2; 10; 11; 12; 13; 14; 15; 22; 23; and
24.
- T. 33 S., R. 1 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; and 19.
- T. 32 S., R. 2 E.: Willamette Meridian
Secs. 31; 32; and 33.
- T. 33 S., R. 2 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 13; 14; 15; 16; 17; 18; 22;
23; 24; 25; 26; 27; and 35.
- T. 33 S., R. 3 E.: Willamette Meridian
Secs. 18; 19; 29; and 30.

Excepting any of the area lying within the
Lost Creek Reservoir.

BILLING CODE 4310-55-M



O-17

BILLING CODE 4310-55-C

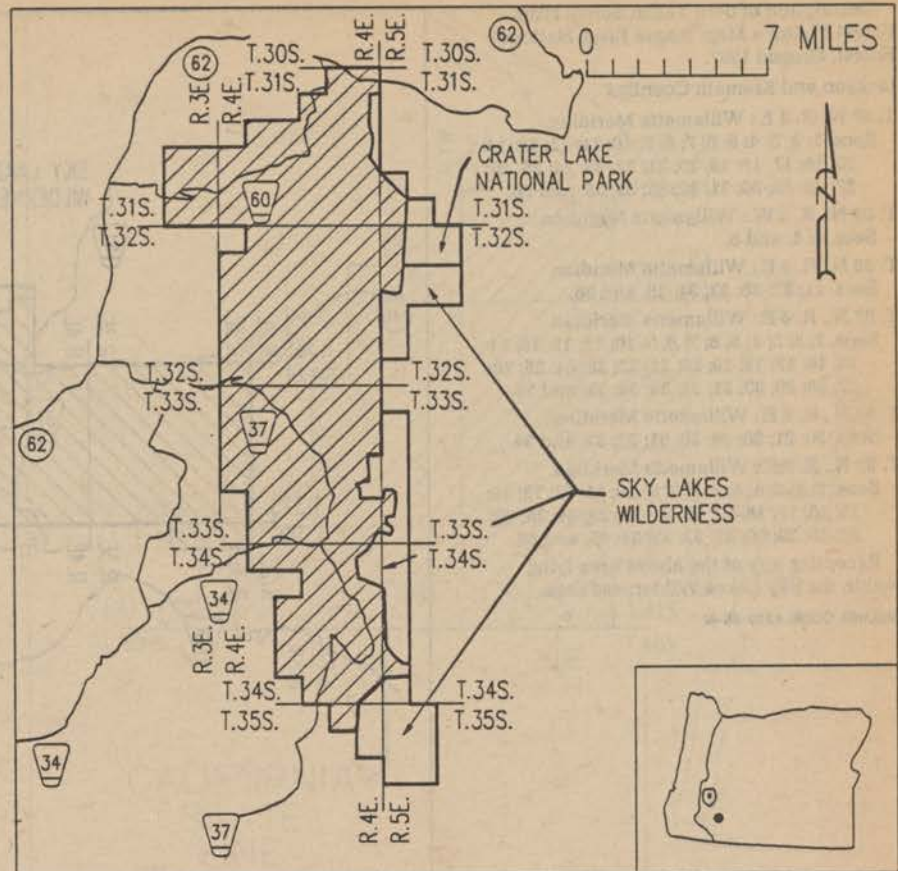
Description of O-18 taken Solely From
Forest Visitor's Map; Rogue River National
Forest, Oregon 1987.

Jackson and Klamath Counties

- T. 31 S., R. 3 E.: Willamette Meridian
Secs. 23; 24; 25; 26; 35; and 36.
- T. 31 S., R. 4 E.: Willamette Meridian
Secs. 1; 2; 10; 11; 12; 13; 14; 15; 16; 17; 19; 20;
21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32;
33; 34; 35; and 36.
- T. 31 S., R. 5 E.: Willamette Meridian
Secs. 30; and 31.
- T. 32 S., R. 4 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 32 S., R. 5 E.: Willamette Meridian
Secs. 6; 7; and 18.
- T. 33 S., R. 4 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 32; 33; 34; 35; and 36.
- T. 33 S., R. 5 E.: Willamette Meridian
Secs. 30; and 31.
- T. 34 S., R. 4 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 10; 11; 12; 13; 14; 15; 16; 21;
22; 23; 24; 25; 26; 27; 28; 34; 35; and 36.
- T. 34 S., R. 5 E.: Willamette Meridian
Sec. 30.
- T. 35 S., R. 4 E.: Willamette Meridian
Sec. 2.

Excepting any of the above area lying
within the Sky Lakes Wilderness and Crater
Lake National Park areas.

BILLING CODE 4310-55-M



O-18

BILLING CODE 4310-55-C

Description of 0-19 Taken Solely From
Forest Visitor's Map; Rogue River National
Forest, Oregon 1987.

Jackson and Klamath Counties

T. 37 N., R. 3 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 38 N., R. 3 W.: Willamette Meridian
Secs. 4; 5; and 6.

T. 36 N., R. 4 E.: Willamette Meridian
Secs. 21; 27; 28; 33; 34; 35; and 36.

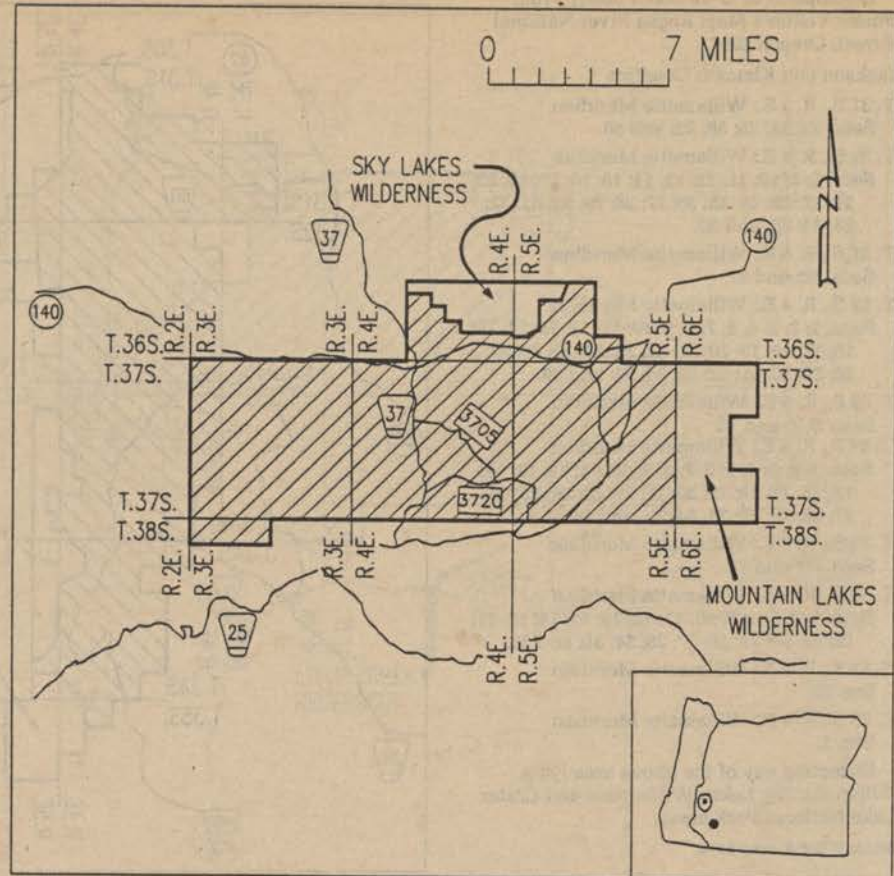
T. 37 N., R. 4 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 36 N., R. 5 E.: Willamette Meridian
Secs. 20; 21; 28; 29; 30; 31; 32; 33; and 34.

T. 37 N., R. 5 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

Excepting any of the above area lying
within the Sky Lakes Wilderness area.

BILLING CODE 4310-55-M



0-19

BILLING CODE 4310-55-C

Description of 0-20-0 taken Solely From
Bureau of Land Management Map; Medford,
Oregon 1978.

Jackson County

T. 41 S., R. 2 W.: Willamette Meridian
Secs. 12; 13; and 14.

T. 41 S., R. 1 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; and 18.

T. 41 S., R. 1 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 15; 16; 17; and
18.

T. 40 S., R. 1 W.: Willamette Meridian
Secs. 1; 2; 3; 10; 11; 12; 13; 14; 15; 16; 21; 22;
23; 24; 25; 26; 27; 28; 32; 33; 34; 35; and 36.

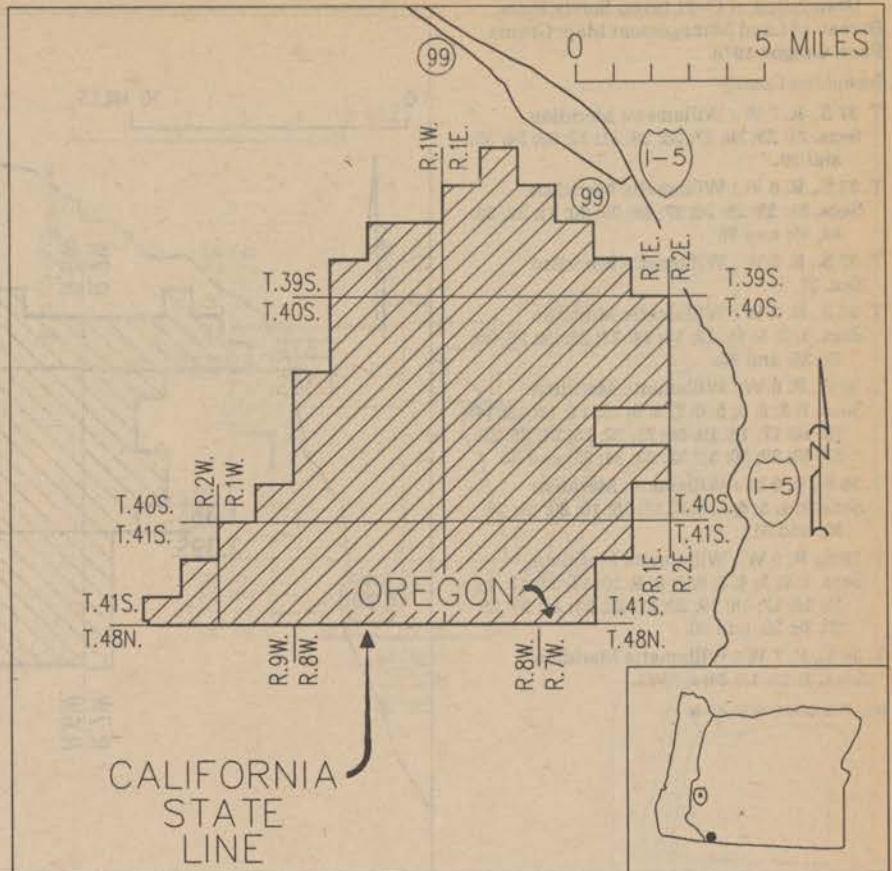
T. 39 S., R. 1 W.: Willamette Meridian
Secs. 25; 26; 34; 35; and 36.

T. 40 S., R. 1 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 25; 26; 27; 28;
29; 30; 31; 32; 33; 34; and 35.

T. 39 S., R. 1 E.: Willamette Meridian
Secs. 17; 19; 20; 21; 27; 28; 29; 30; 31; 32; 33;
34; and 35.

T. 38 S., R. 7 W.: Willamette Meridian
Secs. 1; 12; 13; 24; and 25.

BILLING CODE 4310-55-M



0-20-0

BILLING CODE 4310-55-C

Description of O-21 taken Solely From
Bureau of Land Management Map; Grants
Pass, Oregon 1978.

Josephine County

T. 37 S., R. 7 W.: Willamette Meridian
Secs. 21; 25; 26; 27; 28; 29; 31; 32; 33; 34; 35;
and 36.

T. 37 S., R. 6 W.: Willamette Meridian
Secs. 21; 23; 25; 26; 27; 28; 29; 30; 31; 32; 33;
34; 35; and 36.

T. 37 S., R. 5 W.: Willamette Meridian
Sec. 31.

T. 38 S., R. 7 W.: Willamette Meridian
Secs. 1; 2; 3; 11; 12; 13; 14; 22; 23; 24; 25; 26;
27; 35; and 36.

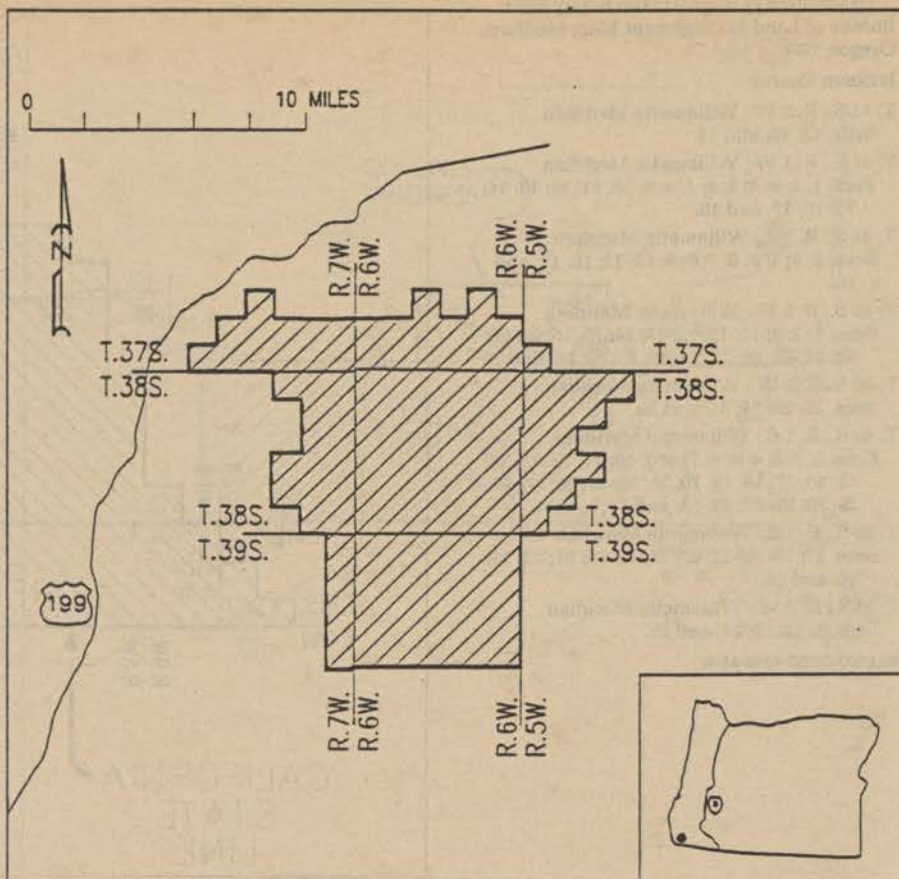
T. 38 S., R. 6 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 38 S., R. 5 W.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 17; 18; 19; 20; 21; 29;
30; and 31.

T. 39 S., R. 6 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; and 30.

T. 39 S., R. 7 W.: Willamette Meridian
Secs. 1; 12; 13; 24; and 25.

BILLING CODE 4310-55-M



□-21

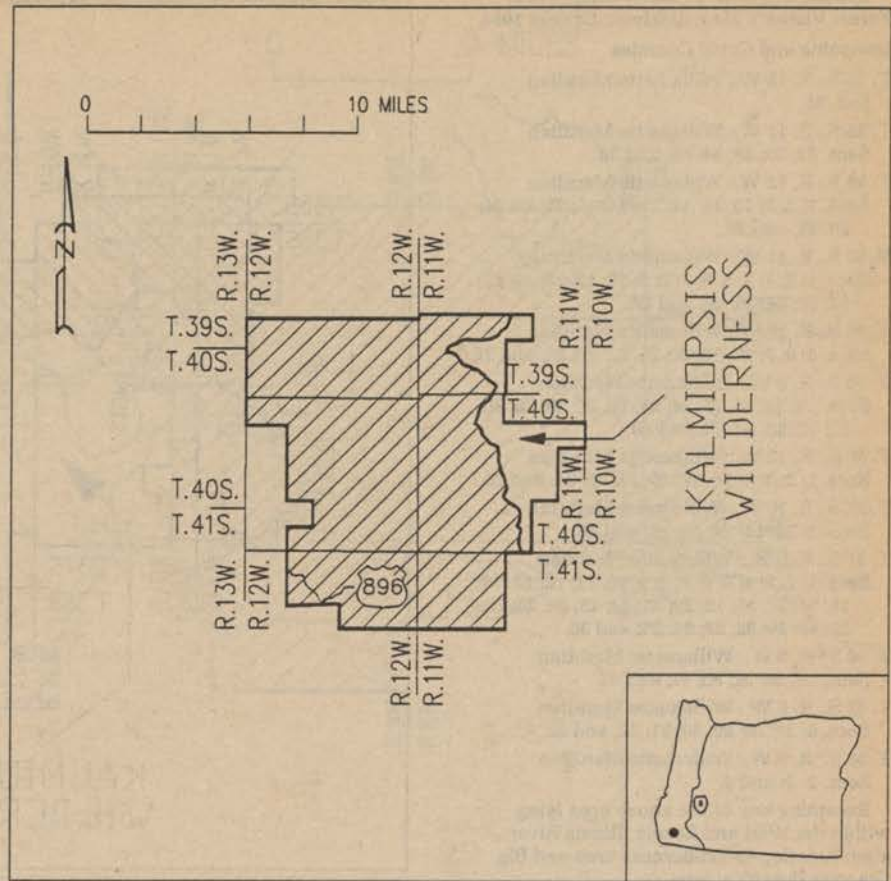
BILLING CODE 4310-55-C

Description of O-22-0 taken Solely From
Forest Visitor's Map: Siskiyou, Oregon 1984.

Curry County

- T. 39 S., R. 11 W.: Willamette Meridian
Secs. 19; 20; 21; 22; 29; 30; 31; 32; and 33.
- T. 39 S., R. 12 W.: Willamette Meridian
Secs. 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.
- T. 40 S., R. 11 W.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 22;
27; 28; 29; 30; 31; 32; 33; and 34.
- T. 41 S., R. 12 W.: Willamette Meridian
Secs. 1; 2; 3; 4; and 5.
- T. 40 S., R. 12 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 20; 21; 22; 23; 24; 25; 26; 27; 28; 32;
33; and 34.
- T. 41 S., R. 11 W.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 16; 17; and 18.
- Excepting any of the above area lying
within the Kalmiopsis Wilderness and
Wheeler Creek Research Natural areas.

BILLING CODE 4310-55-M



□-22-□

BILLING CODE 4310-55-C

Description of O-23 taken Solely From
Forest Visitor's Map; Siskiyou, Oregon 1984.

Josephine and Curry Counties

T. 35 S., R. 12 W.: Willamette Meridian
Sec. 36.

T. 35 S., R. 11 W.: Willamette Meridian
Secs. 31; 32; 33; 34; 35; and 36.

T. 36 S., R. 12 W.: Willamette Meridian
Secs. 1; 2; 3; 10; 11; 12; 13; 14; 15; 23; 24; 25;
26; 35; and 36.

T. 36 S., R. 11 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 21;
22; 23; 24; 25; 26; and 27.

T. 36 S., R. 10 W.: Willamette Meridian
Secs. 5; 6; 7; 17; 18; 20; 21; 22; 23; 25; and 36.

T. 36 S., R. 9 W.: Willamette Meridian
Secs. 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30;
31; 32; 33; 34; 35; and 36.

T. 37 S., R. 12 W.: Willamette Meridian
Secs. 1; 2; 3; 9; 10; 17; 20; 21; 28; 34; and 35.

T. 37 S., R. 10 W.: Willamette Meridian
Secs. 1; 12; 13; 24; 25; 35; and 36.

T. 37 S., R. 9 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 32; 33; 34; 35; and 36.

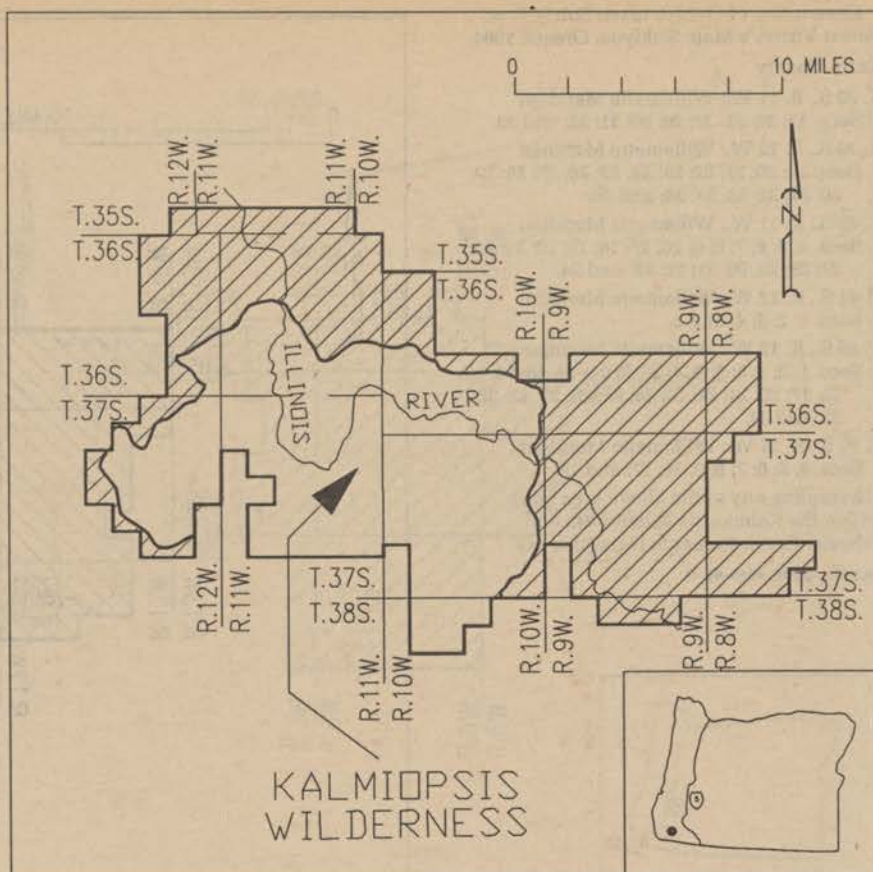
T. 36 S., R. 8 W.: Willamette Meridian
Secs. 19; 20; 29; 30; 31; and 32.

T. 37 S., R. 8 W.: Willamette Meridian
Secs. 6; 27; 28; 29; 30; 31; 32; and 33.

T. 38 S., R. 9 W.: Willamette Meridian
Secs. 2; 3; and 4.

Excepting any of the above area lying
within the Wild and Scenic Illinois River
area, Kalmiopsis Wilderness area and Big
Craggies Botanical area.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

□-23

Description of O-24 taken Solely From
Bureau of Land Management Map;
Canyonville, Oregon 1979.

Josephine and Curry Counties

T. 34 S., R. 7 W.: Willamette Meridian
Secs. 5; 6; 7; 8; 17; 18; 19; 20; 29; 30; 31; and
32.

T. 33 S., R. 8 W.: Willamette Meridian
Secs. 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 34; 35; and 36.

T. 34 S., R. 8 W.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 35 S., R. 8 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; and 7.

T. 33 S., R. 9 W.: Willamette Meridian
Secs. 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 34 S., R. 9 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 35 S., R. 9 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 20; 21; 22; 23; and 24.

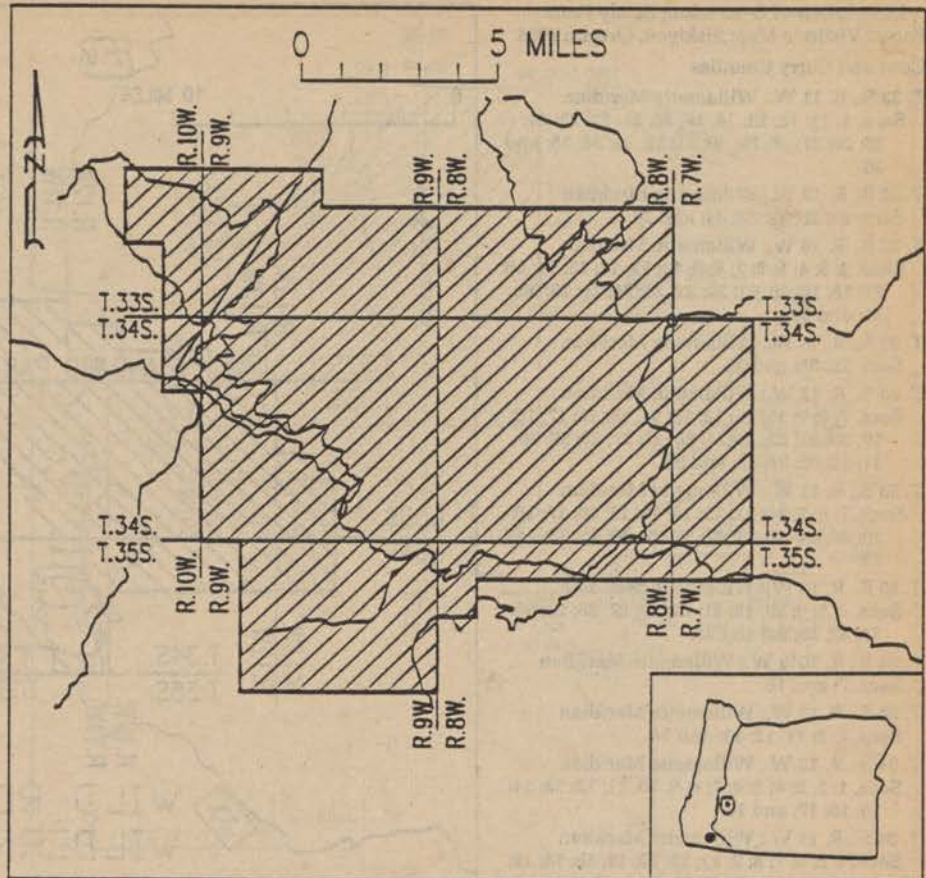
T. 35 S., R. 7 W.: Willamette Meridian
Secs. 5; and 6.

T. 33 S., R. 10 W.: Willamette Meridian
Secs. 13; 14; 23; 24; 25; and 36.

T. 34 S., R. 10 W.: Willamette Meridian
Secs. 1; and 12.

Excepting any of the above area lying
within the Rogue National Wild & Scenic
River.

BILLING CODE 4310-55-M



O-24

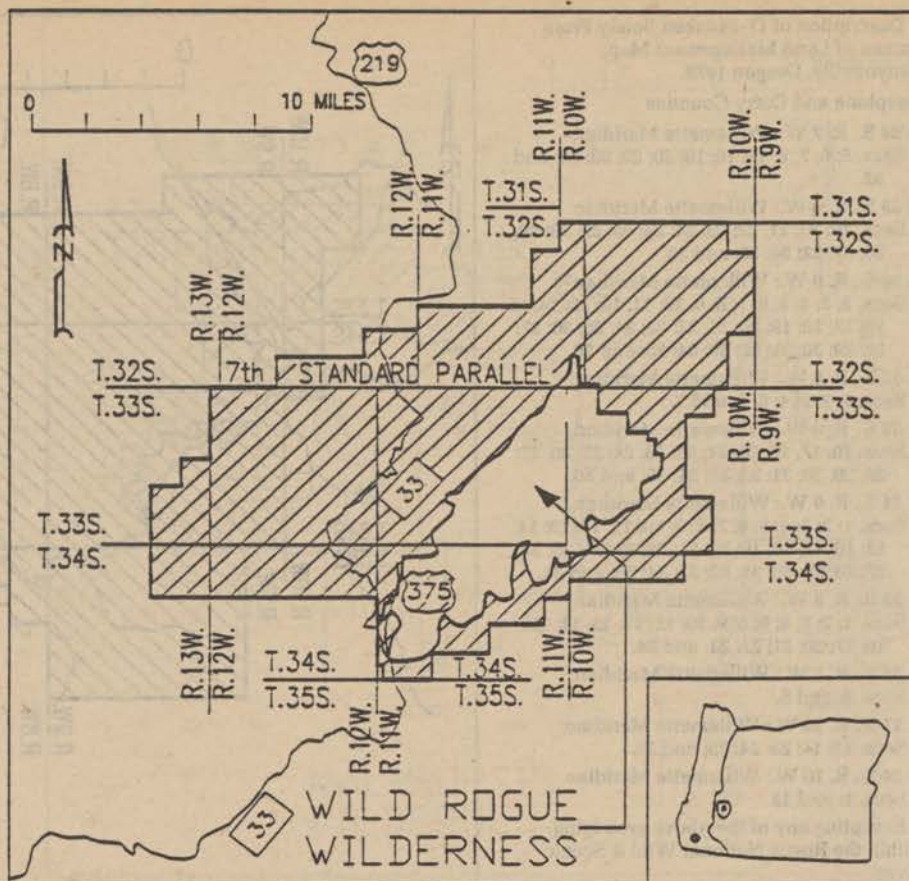
BILLING CODE 4310-55-C

Description of O-25 taken Solely From
Forest Visitor's Map; Siskiyou, Oregon 1984.
Coos and Curry Counties

- T. 33 S., R. 11 W.: Willamette Meridian
Secs. 1; 11; 12; 13; 14; 19; 20; 21; 22; 23; 24;
25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and
36.
- T. 32 S., R. 12 W.: Willamette Meridian
Secs. 25; 26; 32; 33; 34; and 36.
- T. 32 S., R. 10 W.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 15; 16;
17; 18; 19; 20; 21; 22; 23; 24; 26; 28; 29; 30;
31; and 35.
- T. 33 S., R. 13 W.: Willamette Meridian
Secs. 25; 35; and 36.
- T. 33 S., R. 12 W.: Willamette Meridian
Secs. 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18;
19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30;
31; 32; 33; 34; 35; and 36.
- T. 33 S., R. 11 W.: Willamette Meridian
Secs. 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18;
19; 20; 21; 22; 23; 27; 28; 29; 30; 31; 32; and
33.
- T. 33 S., R. 10 W.: Willamette Meridian
Secs. 2; 3; 9; 10; 15; 21; 22; 26; 27; 28; 29; 30;
31; 32; 33; 34; and 35.
- T. 34 S., R. 10½ W.: Willamette Meridian
Secs. 7; and 18.
- T. 34 S., R. 13 W.: Willamette Meridian
Secs. 1; 2; 11; 12; 13; and 14.
- T. 34 S., R. 12 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; and 18.
- T. 34 S., R. 11 W.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 11; 12; 13; 14; 15; 18; 19;
21; 22; 23; 24; 27; 28; 30; 31; and 32.
- T. 34 S., R. 10 W.: Willamette Meridian
Secs. 3; 4; 5; and 6.

Excepting any of the above area lying
within the Wild Rogue Wilderness; Wild and
Scenic Rogue River, Port Orford Cedar
Research Natural Area, and Coquille River
Falls Research Natural Area.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

O-25

Description of O-26 taken Solely From
Bureau of Land Management Maps:
Canyonville 1979, and Roseburg 1979,
Oregon.

Douglas, Jackson, and Josephine Counties

T. 33 S., R. 7 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; and
14.

T. 33 S., R. 6 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; and 18.

T. 33 S., R. 5 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 12; and 13.

T. 33 S., R. 4 W.: Willamette Meridian
Secs. 5; 6; 7; and 8.

T. 32 S., R. 6 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 32 S., R. 5 W.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 14; 15; 16;
17; 18; 19; 20; 21; 22; 27; 28; 29; 30; 31; 32;
33; and 34.

T. 31 S., R. 6 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 31 S., R. 5 W.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 11; 14; 15; 16; 17;
18; 19; 20; 21; 22; 27; 28; 29; 30; 31; 32; 33;
and 34.

T. 30 S., R. 8 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 31 S., R. 8 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 22; 23; 24; 25; 26; 27; 34; 35; and 36.

T. 30 S., R. 7 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 31 S., R. 7 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 32 S., R. 7 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 29 S., R. 9 W.: Willamette Meridian
Sec. 36.

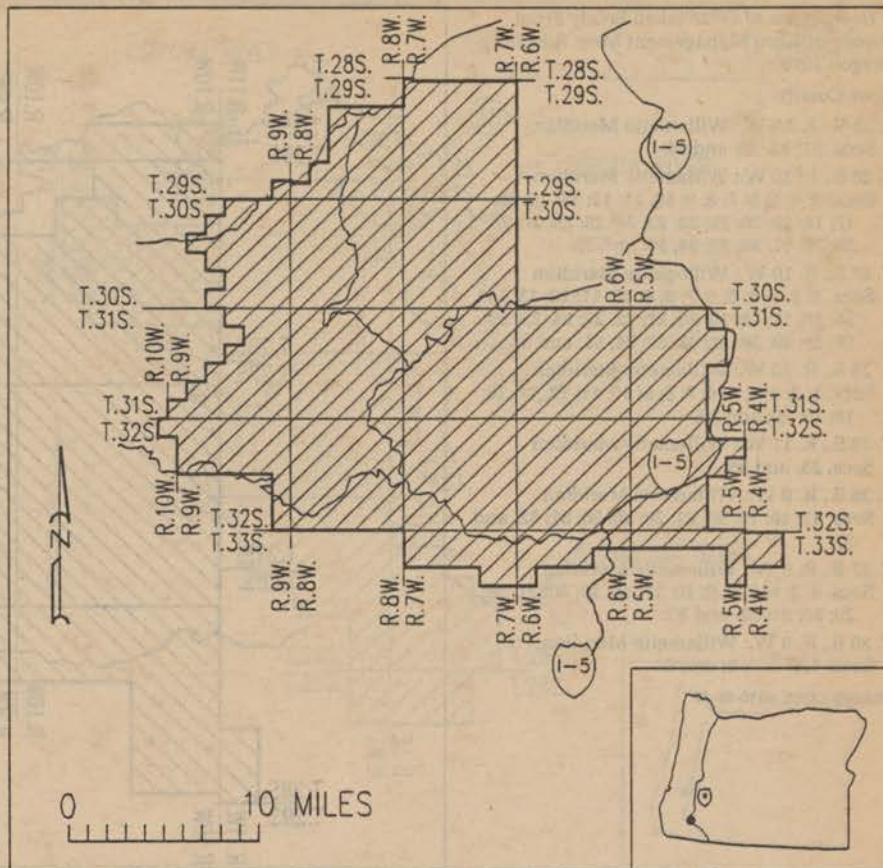
T. 29 S., R. 8 W.: Willamette Meridian
Secs. 9; 10; 11; 12; 13; 14; 15; 16; 21; 22; 23;
24; 25; 26; 27; 28; 29; 31; 32; 33; 34; 35; and
36.

T. 29 S., R. 7 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 29½ S., R. 7 W.: Willamette Meridian
Secs. 31; 32; 33; and 34.

T. 32 S., R. 10 W.: Willamette Meridian
Sec. 1.

BILLING CODE 4310-55-M



O-26

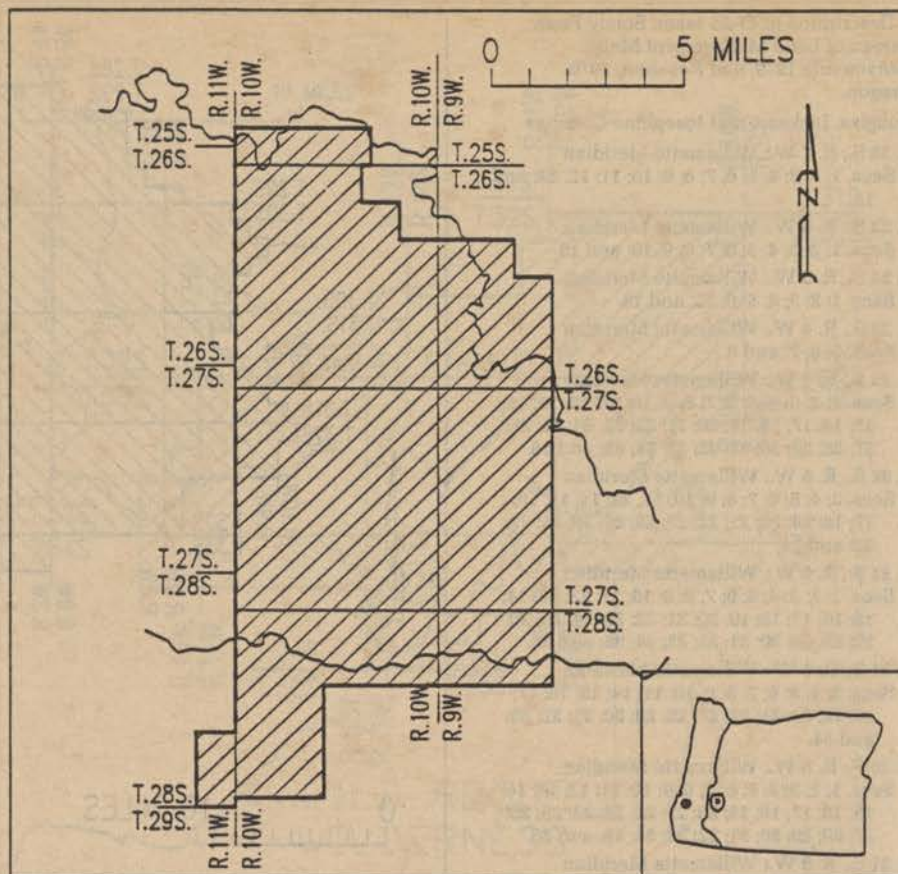
BILLING CODE 4310-55-C

Description of O-27 taken Solely From
Bureau of Land Management Map; Roseburg,
Oregon 1979.

Coos County

- T. 25 S., R. 10 W.: Willamette Meridian
Secs. 31; 32; 33; and 34.
- T. 26 S., R. 10 W.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 11; 13; 14; 15; 16;
17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28;
29; 30; 31; 32; 33; 34; 35; and 36.
- T. 27 S., R. 10 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 28 S., R. 10 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 17; 18;
19; 20; 29; and 30.
- T. 28 S., R. 11 W.: Willamette Meridian
Secs. 25; and 36.
- T. 26 S., R. 9 W.: Willamette Meridian
Secs. 17; 18; 19; 20; 21; 28; 29; 30; 31; 32; and
33.
- T. 27 S., R. 9 W.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 28;
29; 30; 31; 32; and 33.
- T. 28 S., R. 9 W.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; and 9.

BILLING CODE 4310-55-M



O-27

BILLING CODE 4310-55-C

Douglas County

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 26; 27; 28;
29; 30; 31; 32; 33; 34; and 35.

Secs. 7; 8; 13; 14; 15; 16; 17; 20; 21; 22; 23; 24;
25; 26; 27; 28; and 29.

Secs. 1; 2; 3; 9; 10; 11; 12; 13; 14; 15; 16; 17;
20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 33; 34;
35; and 36.

Secs. 6; 7; 18; and 19.

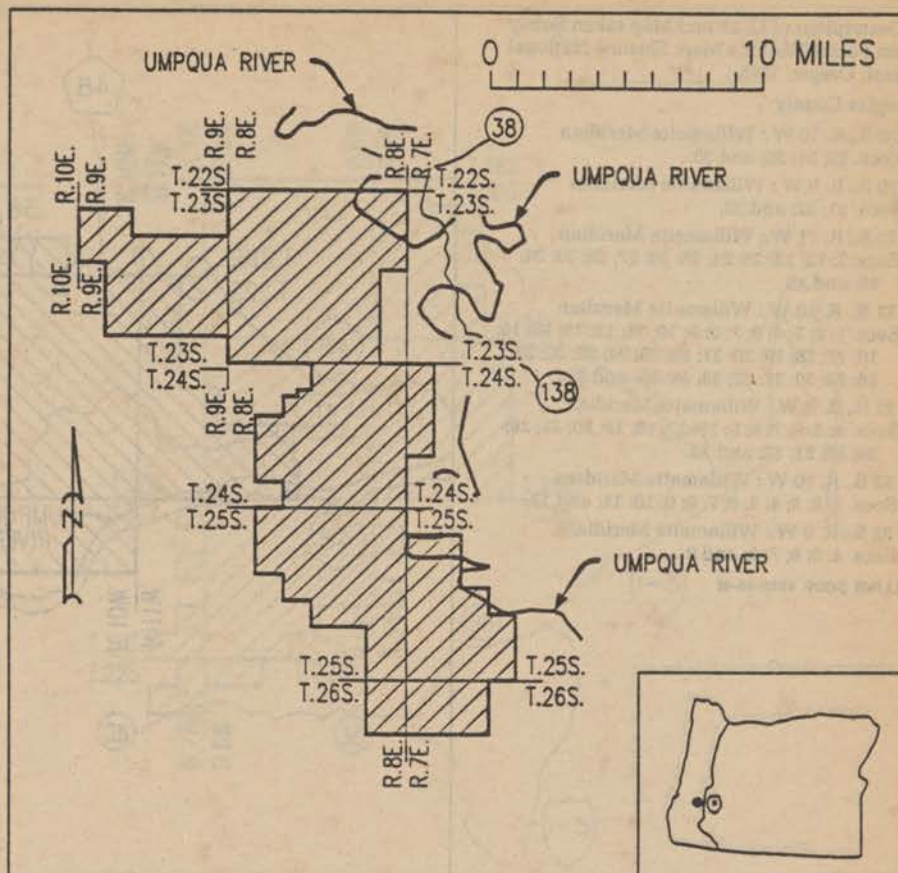
**Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 13; 14; 15;
16; 22; 23; 24; 25; and 36.**

Secs. 7; 8; 17; 18; 19; 20; 21; 27; 28; 29; 30; 31;
32; 33; and 34.

Secs. 1; and 12.

Secs. 4; 5; 6; 7; 8; and 9.

BILLING CODE 4310-55-M



0-28

BILLING CODE 4310-55-C

Description of O-29 and Map taken Solely
From Forest Visitor's Map; Siuslaw National
Forest, Oregon 1975.

Douglas County

T. 20 S., R. 10 W.: Willamette Meridian
Secs. 33; 34; 35; and 36.

T. 20 S., R. 9 W.: Willamette Meridian
Secs. 31; 32; and 33.

T. 21 S., R. 11 W.: Willamette Meridian
Secs. 1; 12; 13; 23; 24; 25; 26; 27; 28; 33; 34;
35; and 36.

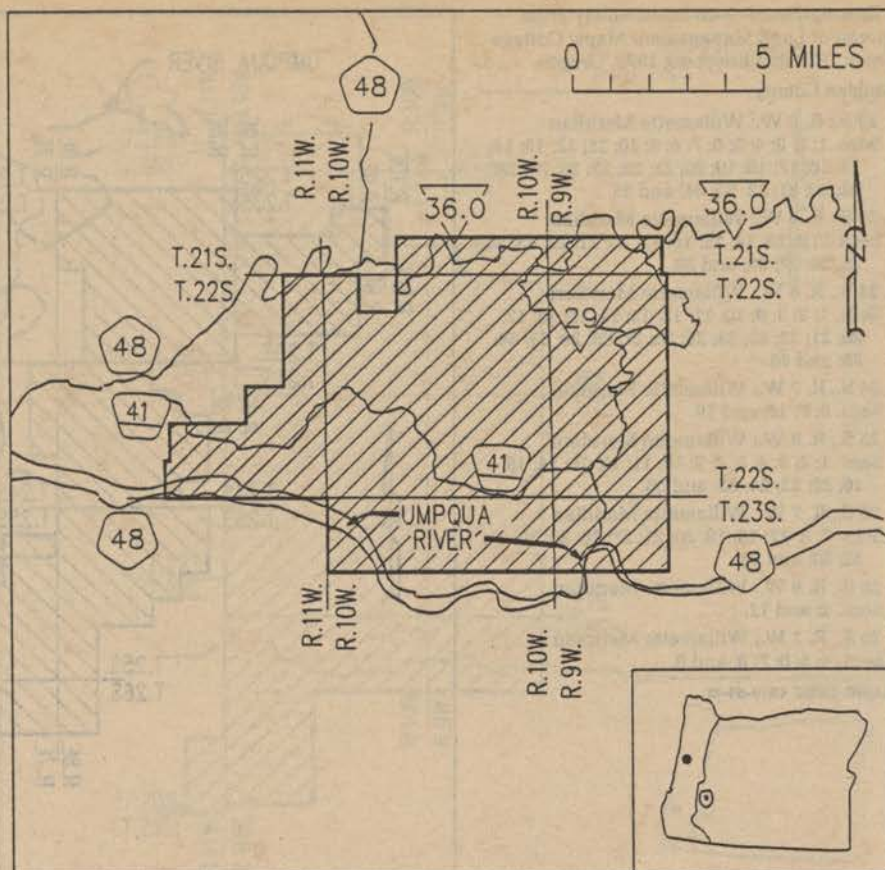
T. 21 S., R. 10 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 21 S., R. 9 W.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 28;
29; 30; 31; 32; and 33.

T. 22 S., R. 10 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; and 12.

T. 22 S., R. 9 W.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; and 9.

BILLING CODE 4310-55-M



0-29

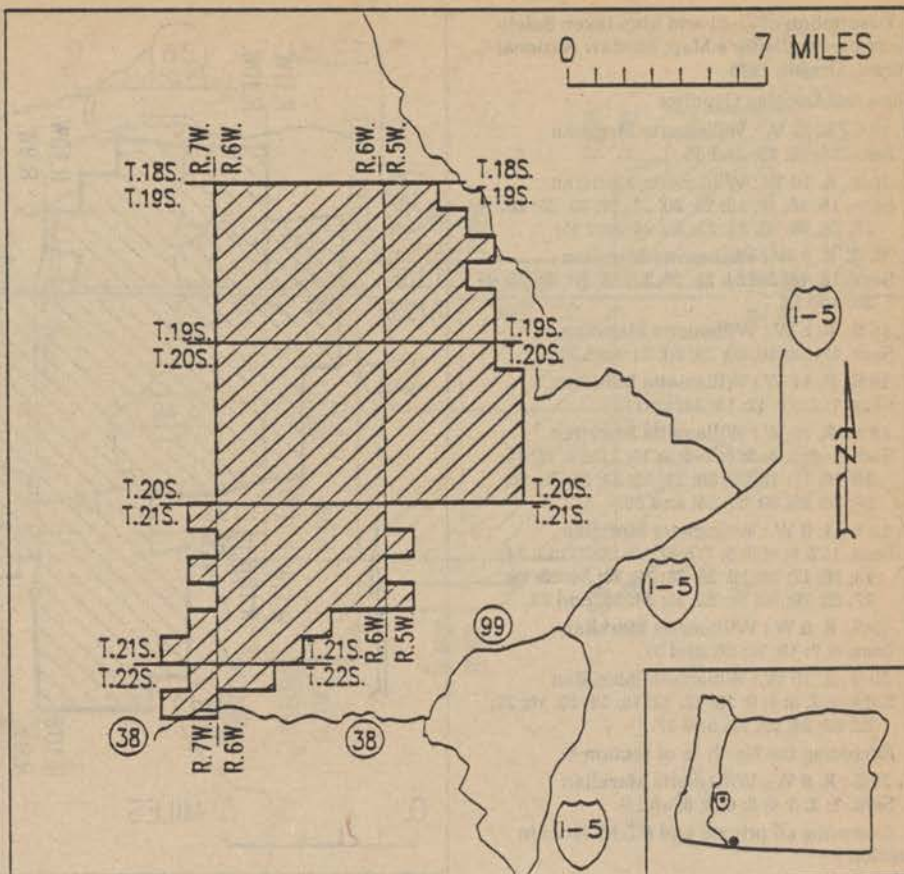
BILLING CODE 4310-55-C

Description of O-30 taken Solely From
Bureau of Land Management Map; Cottage
Grove, Oregon 1979.

Douglas and Lane Counties

- T. 22 S., R. 7 W.: Willamette Meridian
Secs. 1; 11; and 12.
- T. 22 S., R. 6 W.: Willamette Meridian
Secs. 5; and 6.
- T. 21 S., R. 7 W.: Willamette Meridian
Secs. 1; 13; 25; 35; and 36.
- T. 21 S., R. 6 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 27; 28;
29; 30; 31; 32; and 33.
- T. 21 S., R. 5 W.: Willamette Meridian
Secs. 7; and 19.
- T. 20 S., R. 6½ W.: Willamette Meridian
Includes all of Township and Range.
- T. 20 S., R. 6 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 20 S., R. 5 W.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 11; 14; 15; 16; 17;
18; 19; 20; 21; 22; 23; 26; 27; 28; 29; 30; 31;
32; 33; 34; and 35.
- T. 19 S., R. 6 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 19 S., R. 5 W.: Willamette Meridian
Secs. 5; 6; 7; 8; 9; 15; 16; 17; 18; 19; 20; 21; 27;
28; 29; 30; 31; 32; 33; and 34.

BILLING CODE 4310-55-M



O-30

BILLING CODE 4310-55-C

Description of O-31 and Map taken Solely From Forest Visitor's Map; Siuslaw National Forest, Oregon 1975.

Lane and Douglas Counties

T. 18 S., R. 11 W.: Willamette Meridian
Secs. 25; 26; 35; and 36.

T. 18 S., R. 10 W.: Willamette Meridian
Secs. 15; 16; 17; 18; 19; 20; 21; 22; 23; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; and 35.

T. 18 S., R. 9 W.: Willamette Meridian
Secs. 13; 14; 23; 24; 25; 26; 27; 28; 32; 33; 34;
35; and 36.

T. 18 S., R. 8 W.: Willamette Meridian
Secs. 17; 18; 19; 20; 29; 30; 31; and 32.

T. 19 S., R. 11 W.: Willamette Meridian
Secs. 1; 2; 11; 12; 13; 24; and 25.

T. 19 S., R. 10 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 34; 35; and 36.

T. 19 S., R. 9 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 19 S., R. 8 W.: Willamette Meridian
Secs. 6; 7; 18; 19; 30; and 31.

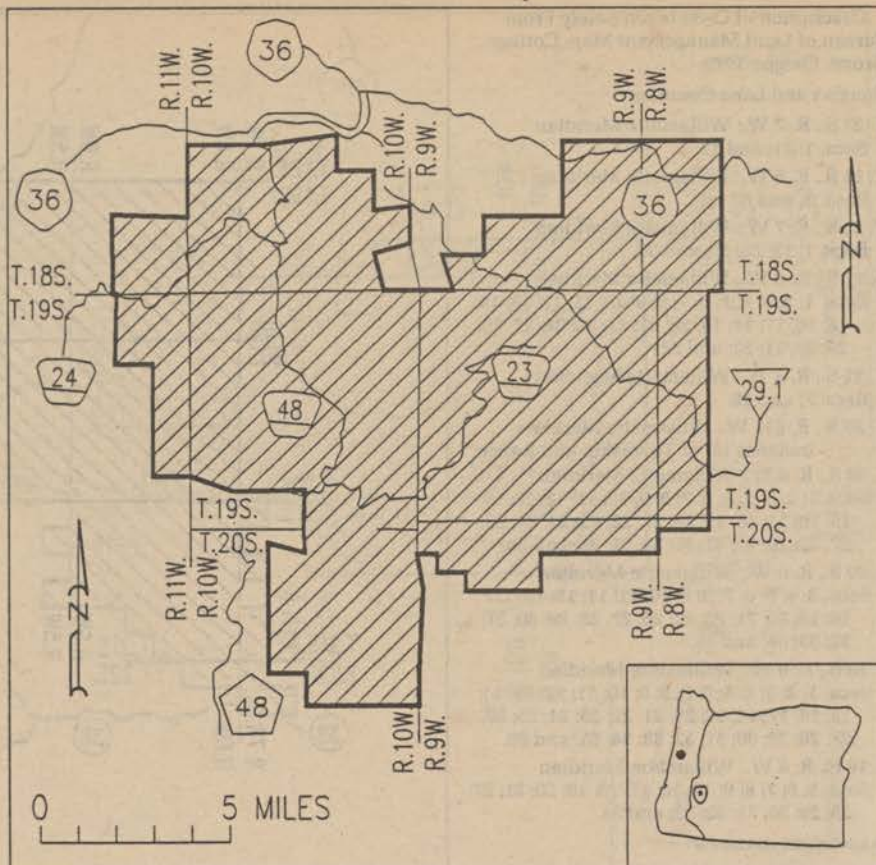
T. 20 S., R. 10 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 16; 21;
22; 23; 24; 25; 26; and 27.

Excepting the North 1/2 of section 4.

T. 20 S., R. 9 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; and 9.

Excepting all private and B.L.M. Land in
section 7.

BILLING CODE 4310-55-M



O-31

BILLING CODE 4310-55-C

Description of O-32 taken Solely From
Bureau of Land Management Map; Eugene,
Oregon 1980.

Lincoln, Benton, and Lane Counties

T. 14 S., R. 9 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 16; 21;
22; 23; 24; 25; 26; 27; 28; 33; 34; 35; and 36.

T. 16 S., R. 9 W.: Willamette Meridian
Secs. 5; 6; 7; 8; 17; 18; 19; and 20.

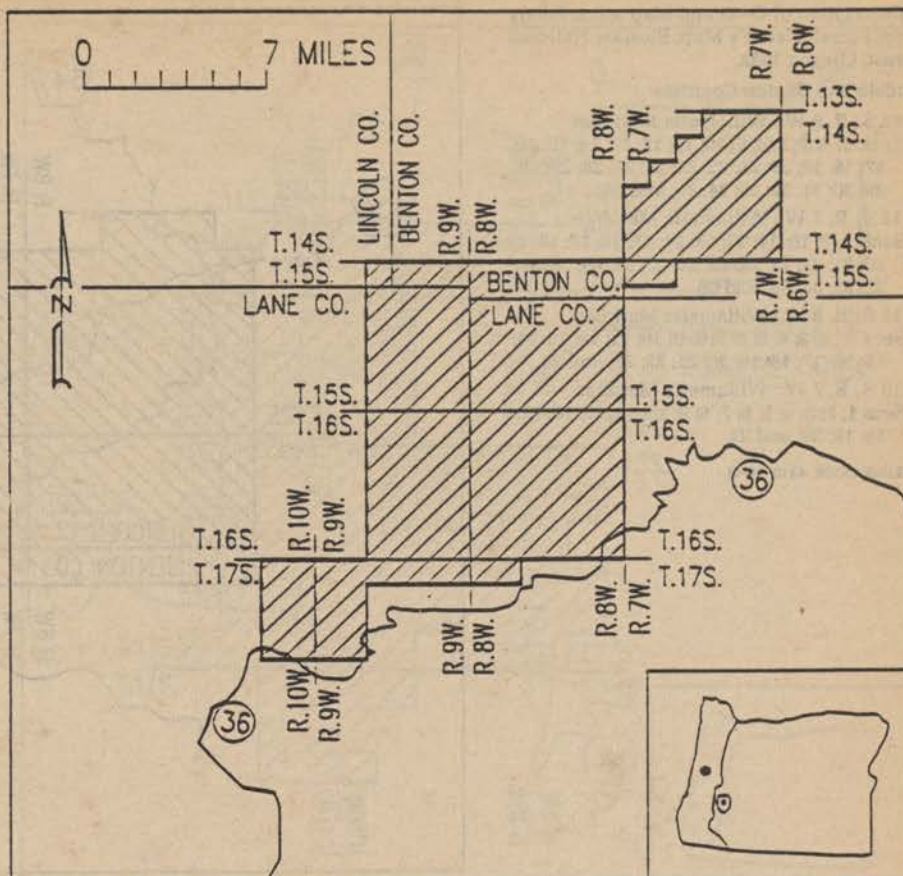
T. 10 S., R. 17 W.: Willamette Meridian
Secs. 1; 2; 11; 12; 13; 14; and 23.

T. 16 S., R. 9 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 16; 21;
22; 23; 24; 25; 26; 27; 28; 33; 34; 35; and 36.

T. 15 S., R. 8 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 16 S., R. 8 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.

BILLING CODE 4310-55-M



O-32

BILLING CODE 4310-55-C

Description of O-33 and Map taken Solely From Forest Visitor's Map; Siuslaw National Forest, Oregon 1982.

Lincoln and Benton Counties

T. 12 S., R. 8 W.: Willamette Meridian

Secs. 3; 4; 5; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 12 S., R. 7 W.: Willamette Meridian

Secs. 7; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

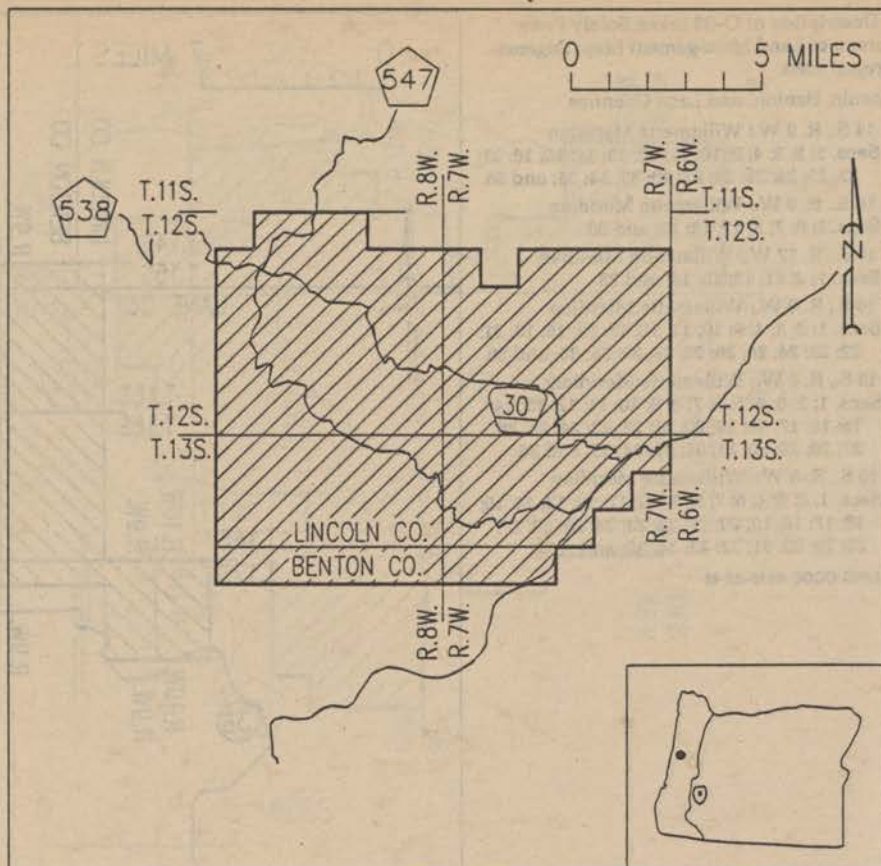
T. 13 S., R. 8 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; and 24.

T. 13 S., R. 7 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 15; 16; 17; 18; 19; 20; and 21.

BILLING CODE 4310-55-M



O-33

BILLING CODE 4310-55-C

Description of O-34 and Map taken Solely From Forest Visitor's Map; Siuslaw National Forest, Oregon 1982.

Lincoln and Benton Counties

T. 12 S., R. 11 W.: Willamette Meridian

Secs. 11; 12; 13; 14; 15; 22; 23; 24; 25; 26; 27; 35; and 36.

T. 12 S., R. 10 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 16; 17; 18; 19; 20; 21; 28; 29; 30; 31; 32; and 33.

T. 13 S., R. 11 W.: Willamette Meridian

Secs. 1; 2; 11; 12; 13; 14; 15; 22; 23; 24; 25; 26; 34; 35; and 36.

T. 13 S., R. 10 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 35; and 36.

T. 13 S., R. 10½ W.: Willamette Meridian

Secs. 6; and 7.

T. 13 S., R. 9 W.: Willamette Meridian

Secs. 6; 7; 8; 18; 19; 20; 29; 30; and 31.

T. 14 S., R. 11 W.: Willamette Meridian

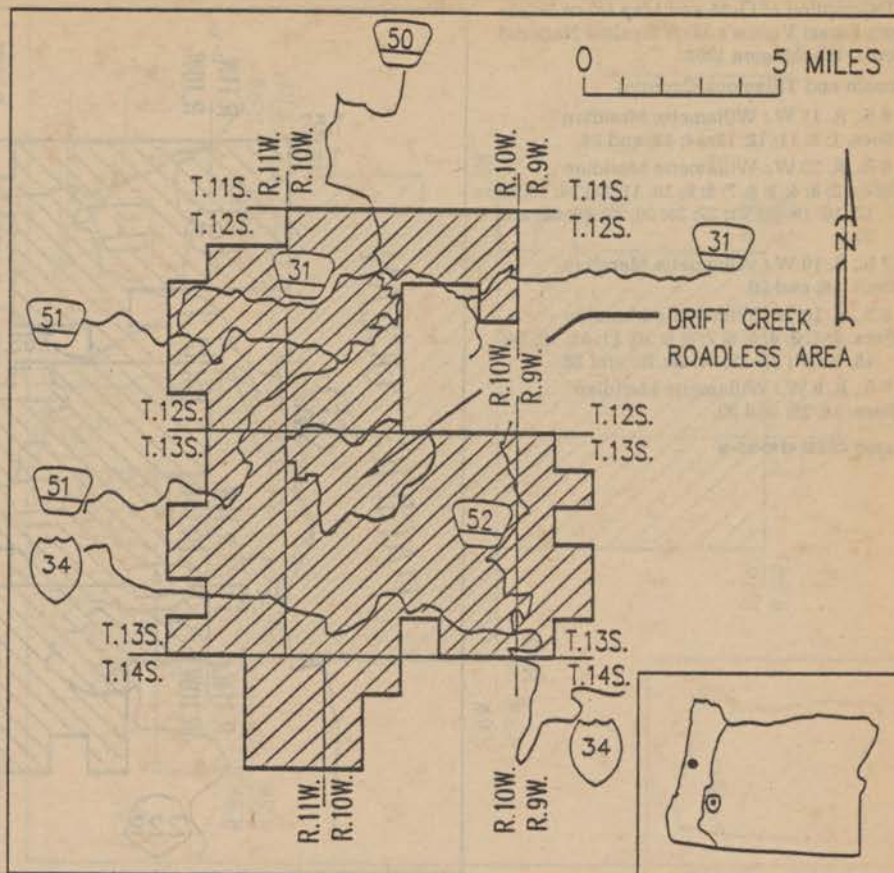
Secs. 1; 2; 11; and 12.

T. 14 S., R. 10 W.: Willamette Meridian

Secs. 4; 5; 6; 7; 8; 17; and 18.

Excepting any of the above area lying within the Drift Creek Wilderness area.

BILLING CODE 4310-55-M



O-34

BILLING CODE 4310-55-C

Description of O-35 and Map taken Solely From Forest Visitor's Map; Siuslaw National Forest, Washington 1982.

Lincoln and Tillamook Counties

T. 6 S., R. 11 W.: Willamette Meridian
Secs. 1; 2; 11; 12; 13; 14; 23; and 24.

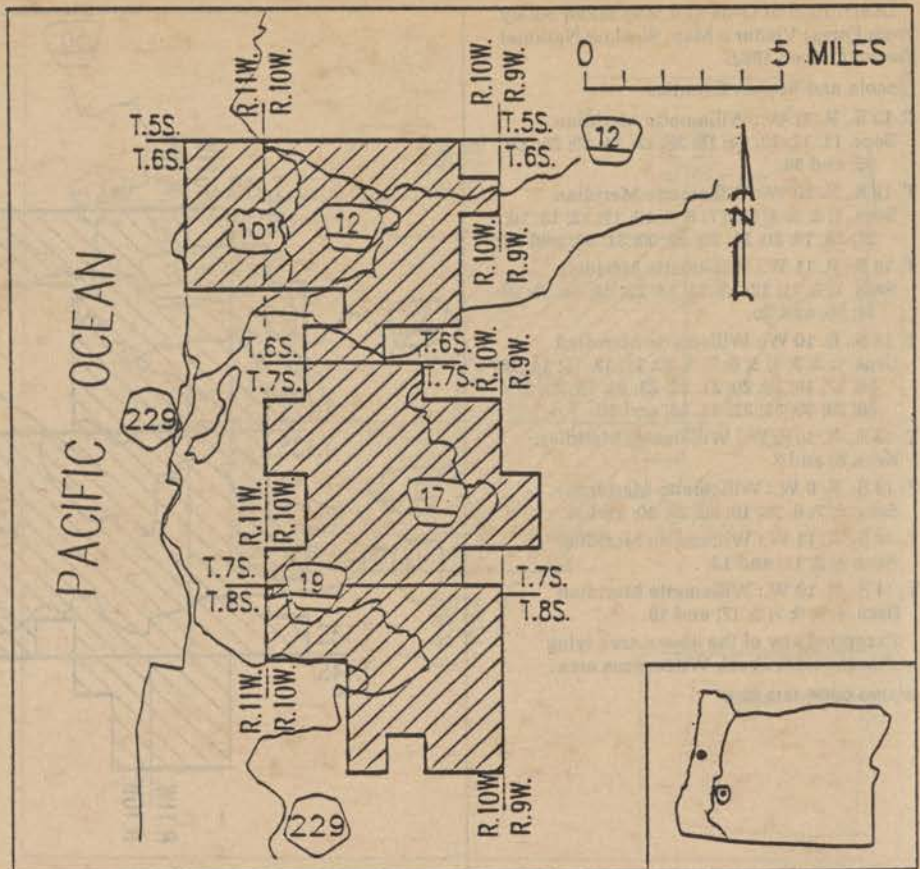
T. 6 S., R. 10 W.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 26; 27; 28; 32; and 33.

T. 7 S., R. 10 W.: Willamette Meridian
Secs. 19; and 20.

T. 8 S., R. 10 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 21; 22; 23; 24; 25; 26; and 28.

T. 7 S., R. 9 W.: Willamette Meridian
Secs. 18; 19; and 30.

BILLING CODE 4310-55-M



O-35

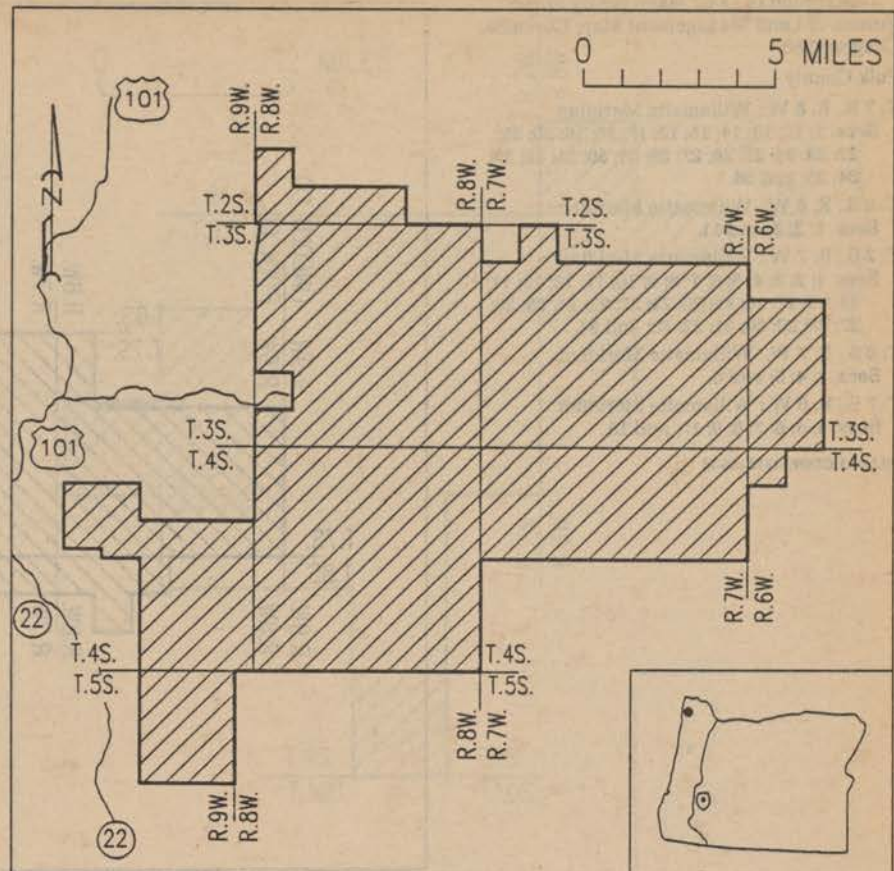
BILLING CODE 4310-55-C

Description of O-36 taken Solely From
Bureau of Land Management Map; Yamhill
River, Oregon 1980.

Tillamook and Yamhill Counties

- T. 4 S., R. 9 W.: Willamette Meridian
Secs. 8; 9; 13; 14; 15; 16; 17; 22; 23; 24; 25; 26;
27; 34; 35; and 36.
- T. 5 S., R. 9 W.: Willamette Meridian
Secs. 1; 2; 3; 10; 11; 12; 13; 14; and 15.
- T. 3 S., R. 8 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 31; 32; 33; 34; 35; and 36.
- T. 4 S., R. 8 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 3 S., R. 7 W.: Willamette Meridian
Secs. 5; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17;
18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.
- T. 4 S., R. 7 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; and 18.
- T. 4 S., R. 6 W.: Willamette Meridian
Secs. 5; 6; 7; and 18.
- T. 3 S., R. 6 W.: Willamette Meridian
Secs. 7; 16; 17; 18; 19; 20; 21; 28; 29; 30; 31;
32; and 33.
- T. 2 S., R. 8 W.: Willamette Meridian
Secs. 30; 31; 32; 33; and 34.

BILLING CODE 4310-55-M



0-36

Description of O-37 taken Solely From
Bureau of Land Management Map; Corvallis,
Oregon 1980.

Polk County

T. 7 S., R. 8 W.: Willamette Meridian

Secs. 1; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21;
22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33;
34; 35; and 36.

T. 8 S., R. 8 W.: Willamette Meridian

Secs. 1; 2; 3; and 11.

T. 7 S., R. 7 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; and 34.

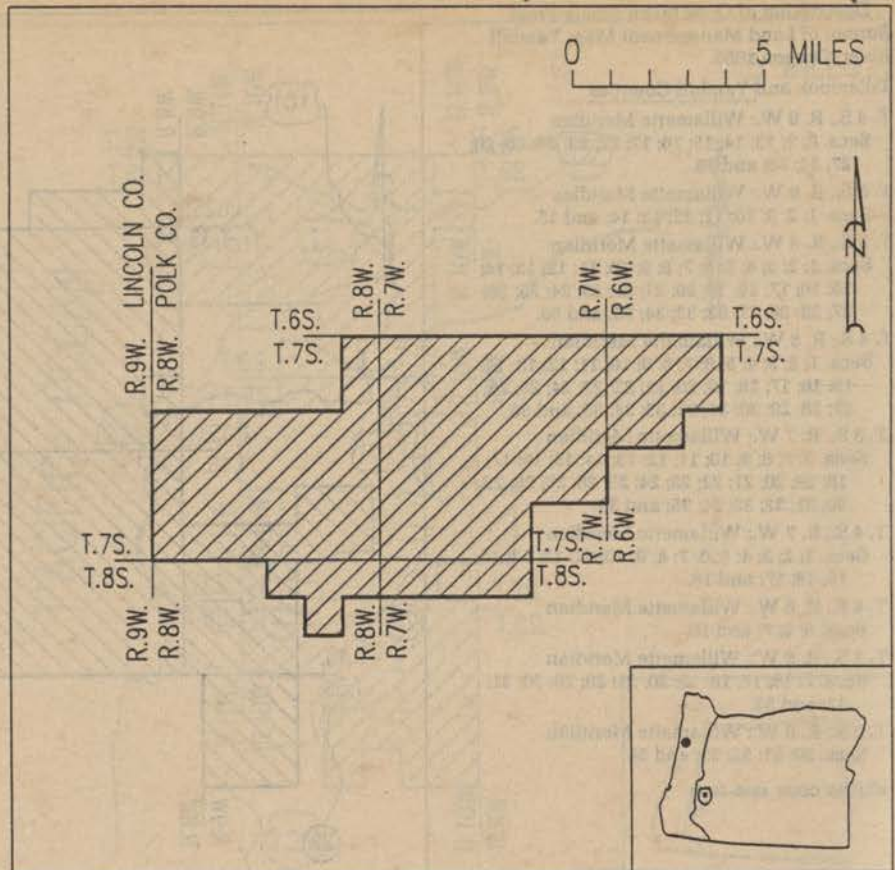
T. 8 S., R. 7 W.: Willamette Meridian

Secs. 3; 4; 5; and 6.

T. 7 S., R. 6 W.: Willamette Meridian

Secs. 4; 5; 6; 7; 8; 9; 17; and 18.

BILLING CODE 4310-55-M



O-37

BILLING CODE 4310-55-C

Description of O-38 taken Solely From
Bureau of Land Management Map; Corvallis,
Oregon 1980.

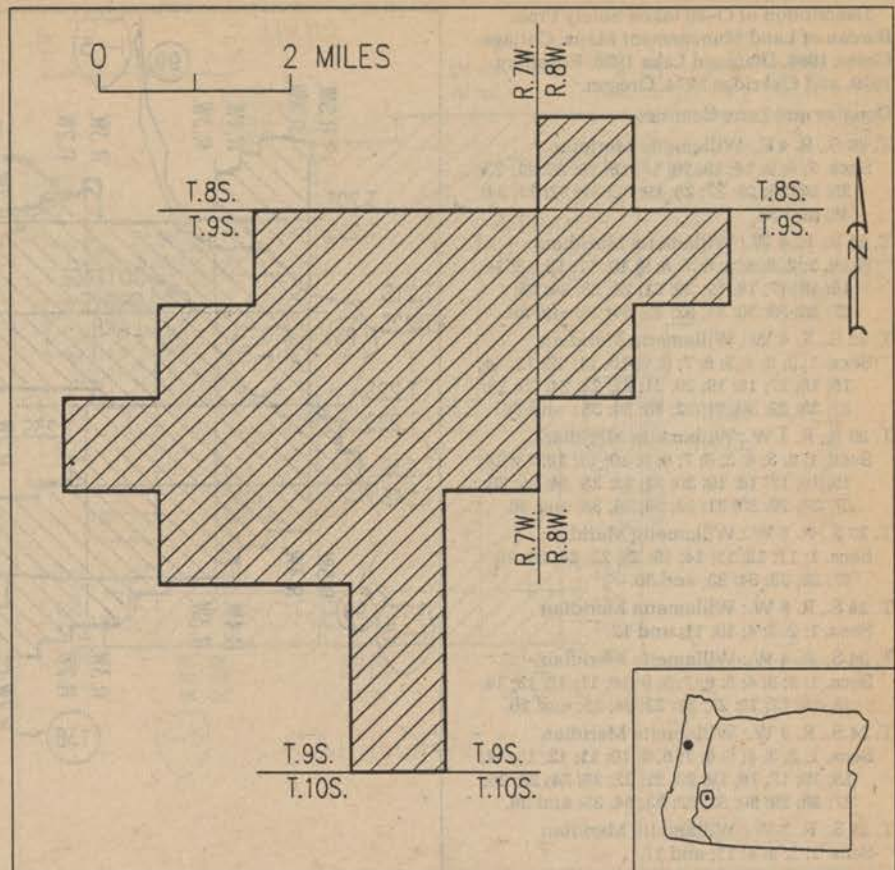
Polk County

T. 8 S., R. 6 W.: Willamette Meridian
Sec. 31.

T. 9 S., R. 6 W.: Willamette Meridian
Secs. 5; 6; and 7.

T. 9 S., R. 7 W.: Willamette Meridian
Secs. 1; 2; 3; 9; 10; 11; 12; 13; 14; 15; 16; 17;
21; 22; 23; 26; and 35.

BILLING CODE 4310-55-M



O-38

BILLING CODE 4310-55-C

Description of O-39 taken Solely From
Bureau of Land Management Maps; Cottage
Grove 1980, Diamond Lake 1978, Roseburg
1979, and Oakridge 1974, Oregon.

Douglas and Lane Counties

T. 20 S., R. 4 E.: Willamette Meridian

Secs. 7; 8; 9; 14; 15; 16; 17; 18; 19; 20; 21; 22;
23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34;
35; and 36.

T. 21 S., R. 4 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 22 S., R. 4 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 23 S., R. 4 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 23 S., R. 5 W.: Willamette Meridian

Secs. 1; 11; 12; 13; 14; 15; 22; 23; 24; 25; 26;
27; 28; 33; 34; 35; and 36.

T. 24 S., R. 5 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 10; 11; and 12.

T. 24 S., R. 4 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 21; 22; 23; 24; 25; and 26.

T. 24 S., R. 3 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 25 S., R. 3 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 11; and 12.

T. 21 S., R. 3 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 22 S., R. 3 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 23 S., R. 3 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 20 S., R. 2 W.: Willamette Meridian

Secs. 31; and 32.

T. 21 S., R. 2 W.: Willamette Meridian

Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 14; 15; 16; 17;
18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.

T. 22 S., R. 2 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; and 30.

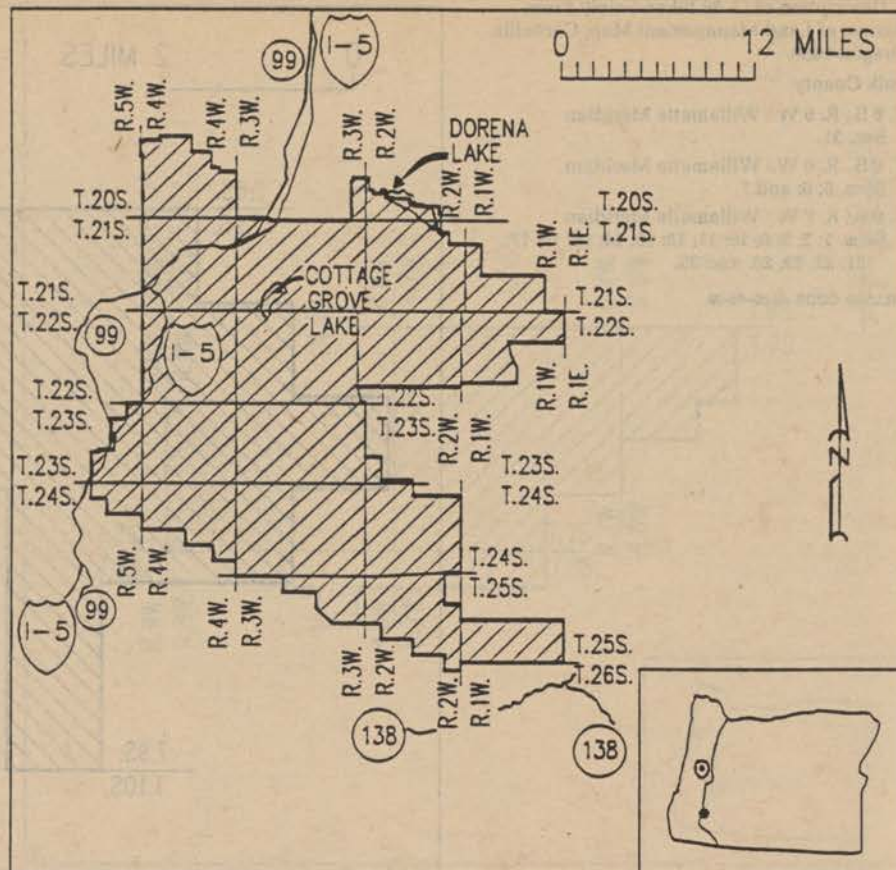
T. 21 S., R. 1 W.: Willamette Meridian

Secs. 19; 30; 31; 32; 33; 34; and 35.

T. 22 S., R. 1 W.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 16; 17;
18; 19; 20; 21; 28; 29; and 30.

BILLING CODE 4310-55-M



O-39

BILLING CODE 4310-55-C

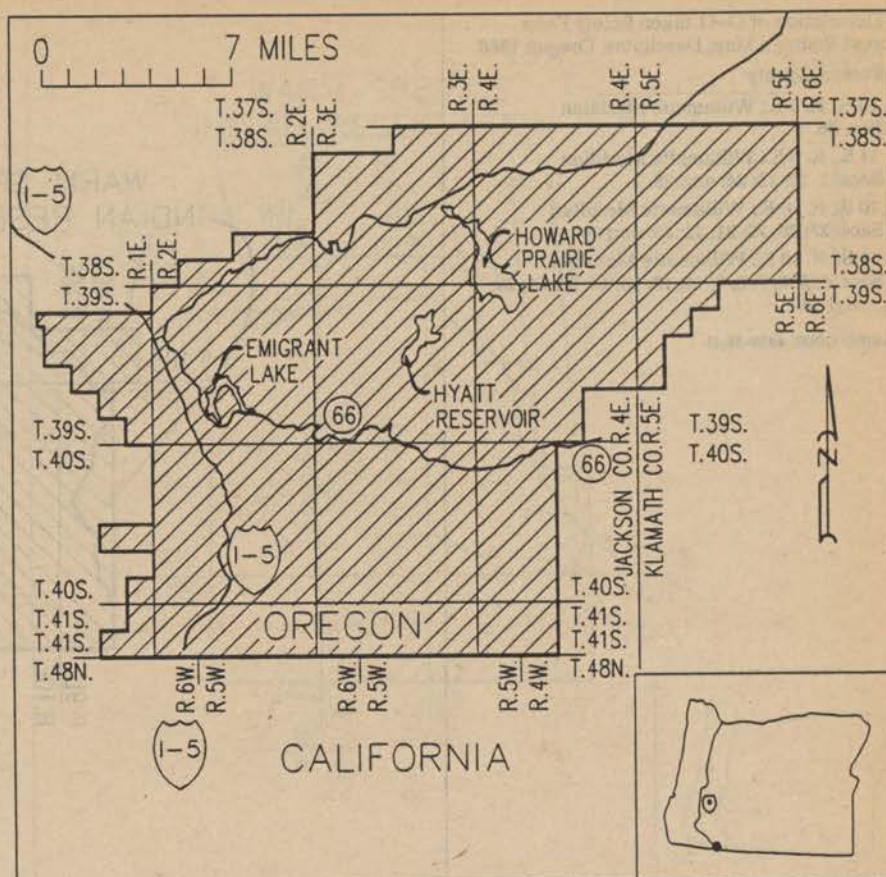
Description of O-40 taken Solely From
Bureau of Land Management Map: Medford,
Oregon 1978.

Klamath and Jackson Counties

- T. 39 S., R. 1 E.: Willamette Meridian
Secs. 9; 10; 11; 12; 13; 14; 15; 16; 22; 23; 24;
25; 26; and 36.
- T. 38 S., R. 2 E.: Willamette Meridian
Secs. 25; 26; 27; 32; 33; 34; 35; and 36.
- T. 39 S., R. 2 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 40 S., R. 2 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 41 S., R. 2 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; and 18.
- T. 40 S., R. 1 E.: Willamette Meridian
Secs. 23; 24; and 36.
- T. 41 S., R. 1 E.: Willamette Meridian
Secs. 1; 11; 12; 13; and 14.
- T. 38 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; 3; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16;
17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28;
29; 30; 31; 32; 33; 34; 35; and 36.
- T. 38 S., R. 4 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 38 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 39 S., R. 3 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; and 34.
- T. 39 S., R. 4 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; and 34.
- T. 39 S., R. 5 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 18; and 19.
- T. 40 S., R. 3 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 41 S., R. 3 E.: Willamette Meridian
Secs. 1; 2; 3; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16;
17; and 18.
- T. 40 S., R. 4 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 28;
29; 30; 31; 32; and 33.
- T. 41 S., R. 4 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 16; 17; and 18.

Excepting any of the above area lying
within Hyatt Reservoir, Emigrant Lake, and
Howard Prairie Lake.

BILLING CODE 4310-55-M



O-40

BILLING CODE 4310-55-C

Description of O-41 taken Solely From
Forest Visitor's Map; Deschutes, Oregon 1988.

Jefferson County

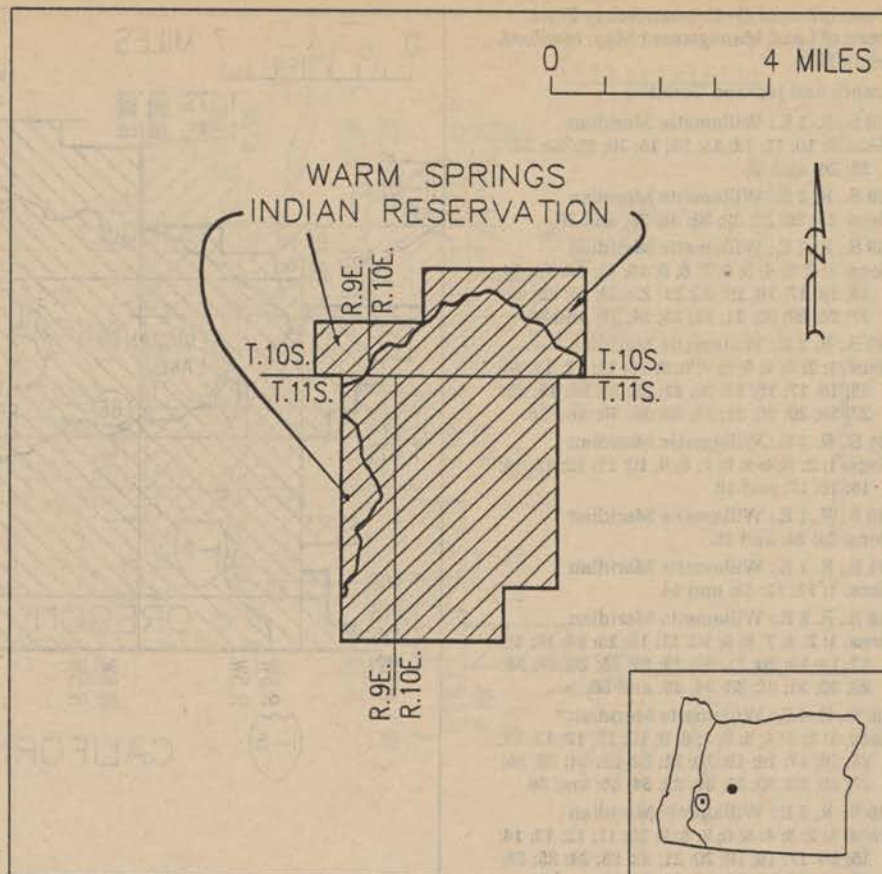
T. 10 S., R. 9 E.: Willamette Meridian
Sec. 36.

T. 11 S., R. 9 E.: Willamette Meridian
Secs. 1; 12; 13; 24; and 25.

T. 10 S., R. 10 E.: Willamette Meridian
Secs. 27; 28; 29; 31; 32; 33; and 34.

T. 11 S., R. 10 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 29;
and 30.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

O-41

Description of O-42 taken Solely From
Forest Visitor's Map; Deschutes, Oregon 1988.

Jefferson County

T. 11 S., R. 8 E.: Willamette Meridian
Secs. 1; 2; 9; 10; 35; and 36.

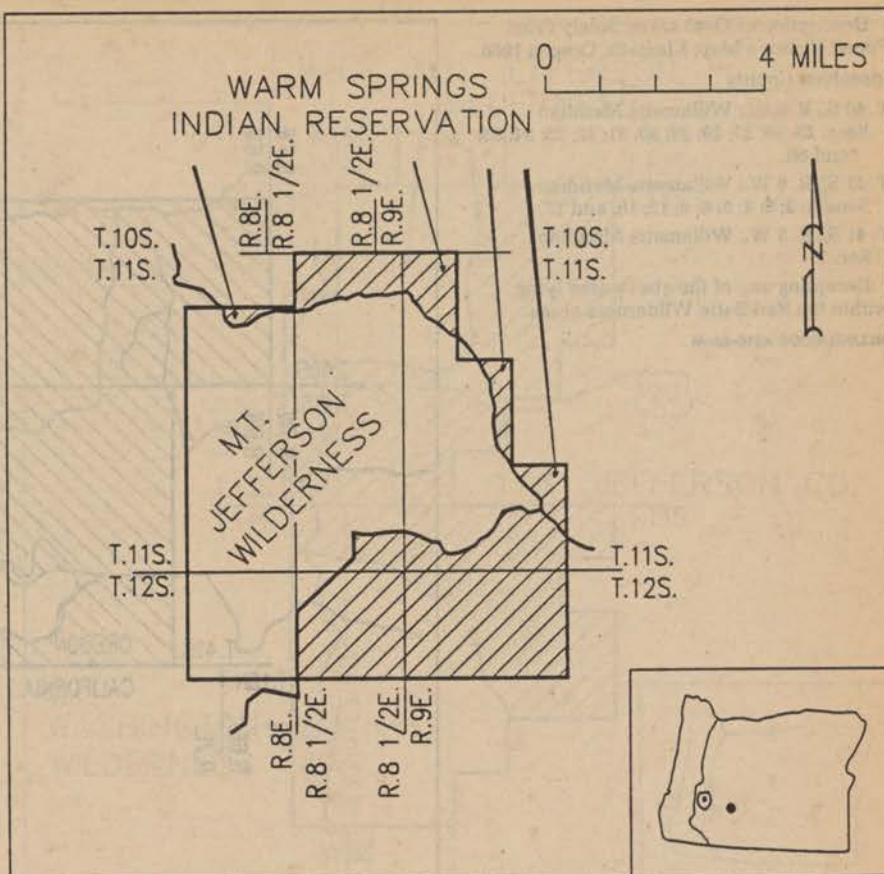
T. 12 S., R. 8 E.: Willamette Meridian
Secs. 1; 2; 11; and 12.

T. 11 S., R. 9 E.: Willamette Meridian
Secs. 6; 7; 17; 20; 28; 29; 31; 32; and 33.

T. 12 S., R. 9 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; and 9.

Excepting any of the above area lying
within the Mt. Jefferson Wilderness area.

BILLING CODE 4310-55-M



O-42

BILLING CODE 4310-55-C

Description of O-43 taken Solely From
Forest Visitor's Map; Klamath, Oregon 1988.

Josephine County

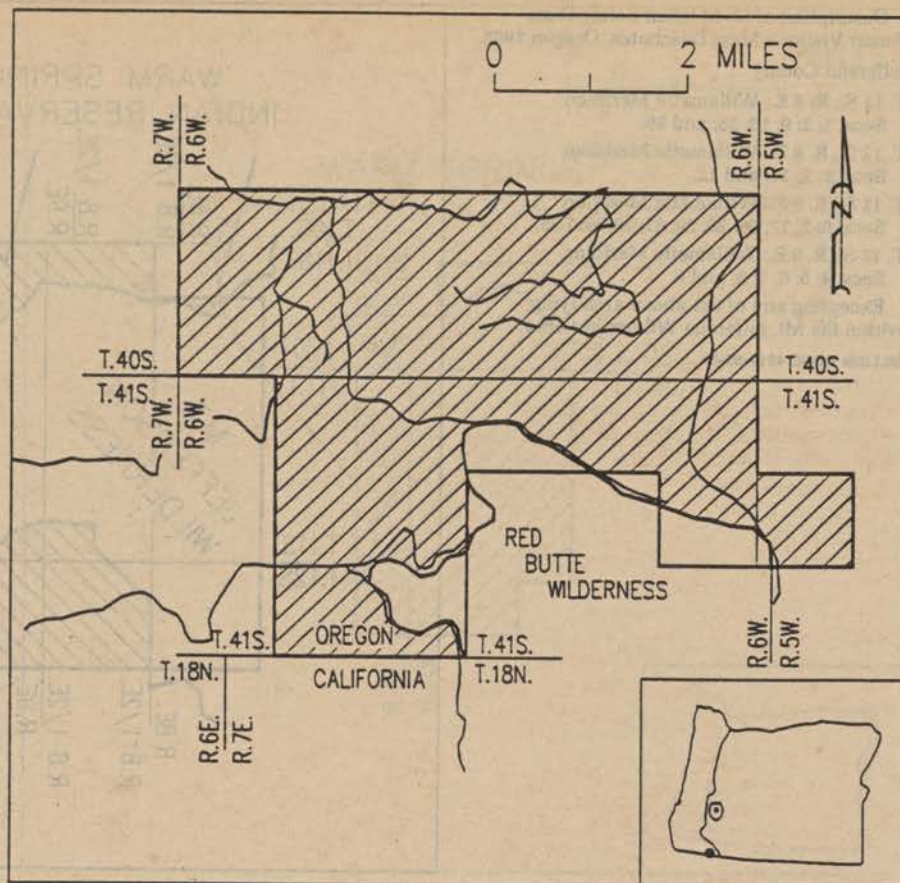
T. 40 S., R. 6 W.: Willamette Meridian
Secs. 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35;
and 36.

T. 41 S., R. 6 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 12; 16; and 17.

T. 41 S., R. 5 W.: Willamette Meridian
Sec. 7.

Excepting any of the above area lying
within the Red Butte Wilderness areas.

BILLING CODE 4310-55-M



O-43

BILLING CODE 4310-55-C

Description of O-44 taken Solely From
Forest Visitor's Map; Deschutes, Oregon 1988.

Deschutes, Jefferson, and Linn Counties

T. 12 S., R. 8 E.: Willamette Meridian
Sec. 33.

T. 13 S., R. 8 E.: Willamette Meridian
Secs. 2; 3; 4; 9; 10; 11; 14; 15; 16; 19; 20; 21;
22; 28; 29; 30; 31; and 32.

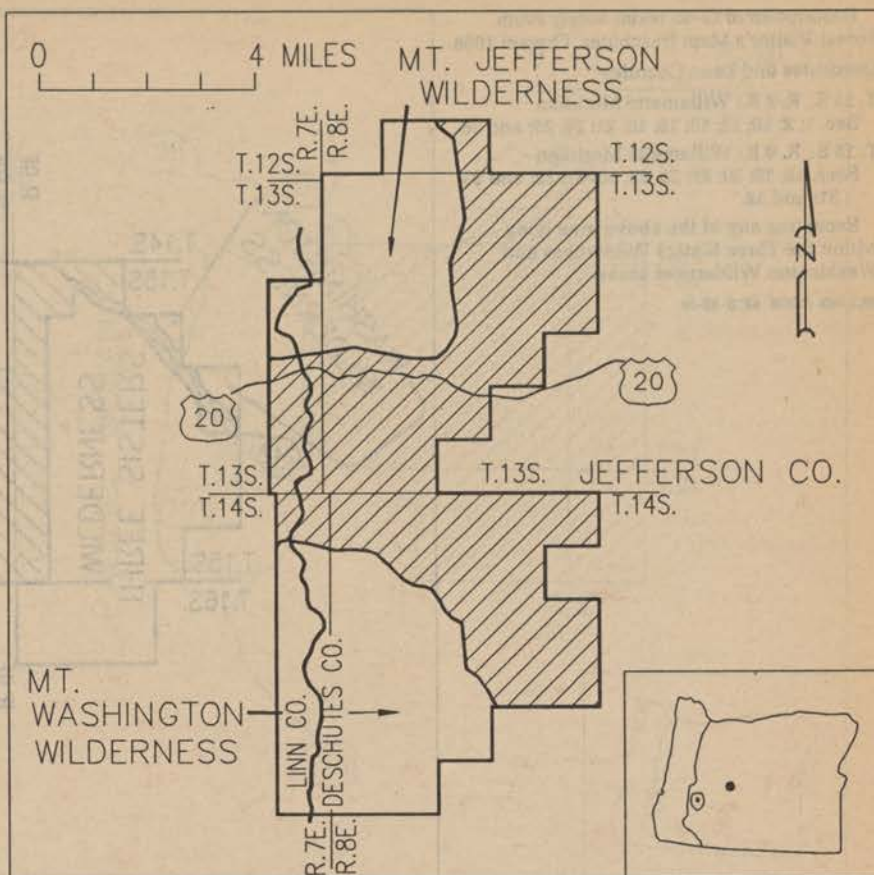
T. 14 S., R. 8 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 14; 15; 16; 21; 22;
and 23.

T. 13 S., R. 7½ E.: Willamette Meridian
Secs. 24; 25; and 36.

T. 14 S., R. 7½ E.: Willamette Meridian
Sec. 1.

Excepting any of the above area lying
within the Mt. Jefferson Wilderness and
Washington Wilderness areas.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

O-44

Description of O-45 taken Solely From
Forest Visitor's Map; Deschutes, Oregon 1988.

Deschutes and Lane Counties

T. 15 S., R. 8 E.: Willamette Meridian

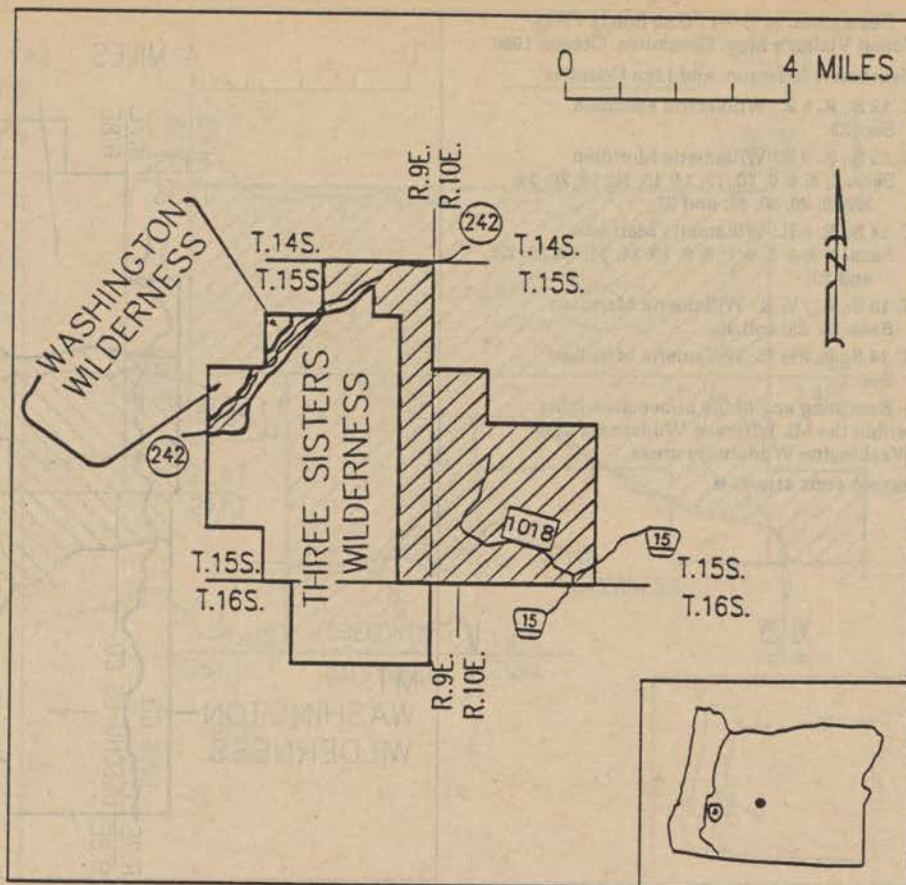
Sec. 1; 2; 10; 12; 13; 15; 16; 21; 24; 25; and 36.

T. 15 S., R. 9 E.: Willamette Meridian

Secs. 18; 19; 20; 21; 28; 29; 30; 31; 32; and 33.
31; and 32.

Excepting any of the above area lying
within the Three Sisters Wilderness and
Washington Wilderness areas.

BILLING CODE 4310-55-M



0-45

BILLING CODE 4310-55-C

Description of O-46 taken Solely From
Bureau of Land Management Map; Nehalem
River, Oregon 1979.

Tillamook County

T. 2 N., R. 10 W.: Willamette Meridian
Secs. 13; 24; 25; and 36.

T. 2 N., R. 9 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 1 N., R. 9 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 9; 10; 11; 12; 13; 14; 15; and
16.

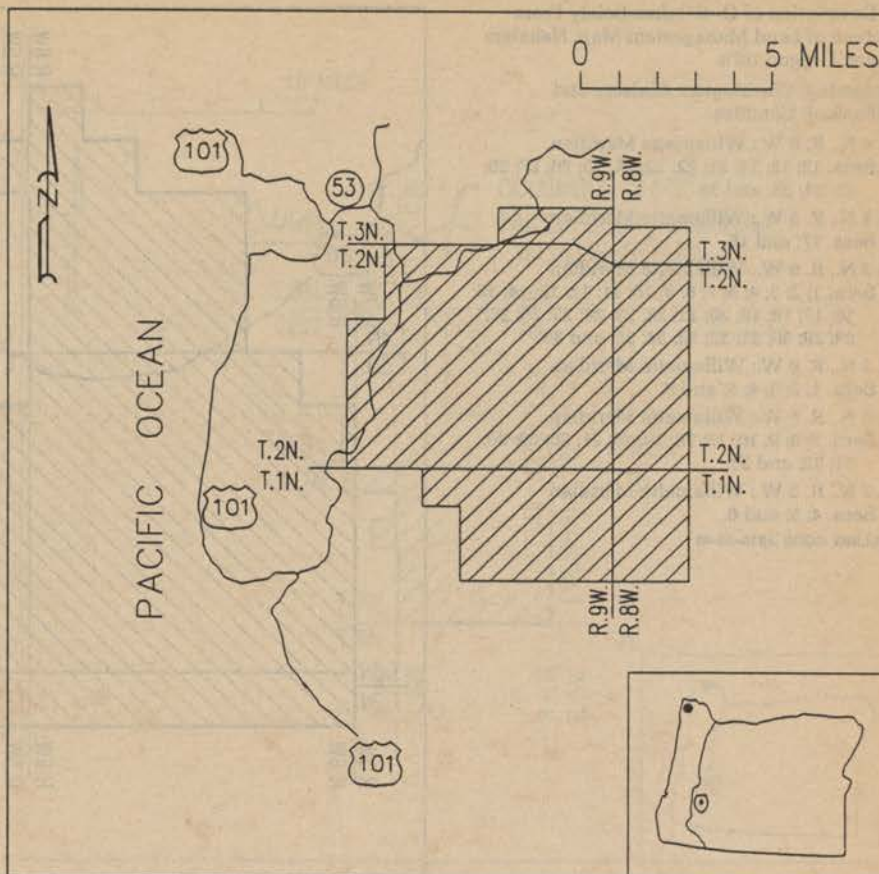
T. 3 N., R. 8 W.: Willamette Meridian
Secs. 31; and 32.

T. 3 N., R. 9 W.: Willamette Meridian
Secs. 34; 35; and 36.

T. 2 N., R. 8 W.: Willamette Meridian
Secs. 5; 6; 7; 8; 17; 18; 19; 20; 29; 30; 31; and
32.

T. 1 N., R. 8 W.: Willamette Meridian
Secs. 5; 6; 7; 8; 17; and 18.

BILLING CODE 4310-55-M



O-46

BILLING CODE 4310-55-C

Description of O-47 taken Solely From
Bureau of Land Management Map; Nehalem
River, Oregon 1979.

Columbia, Washington, Clatsop, and
Tillamook Counties

T. 4 N., R. 6 W.: Willamette Meridian
Secs. 12; 13; 14; 21; 22; 23; 24; 25; 26; 27; 28;
33; 34; 35; and 36.

T. 4 N., R. 5 W.: Willamette Meridian
Secs. 17; and 18.

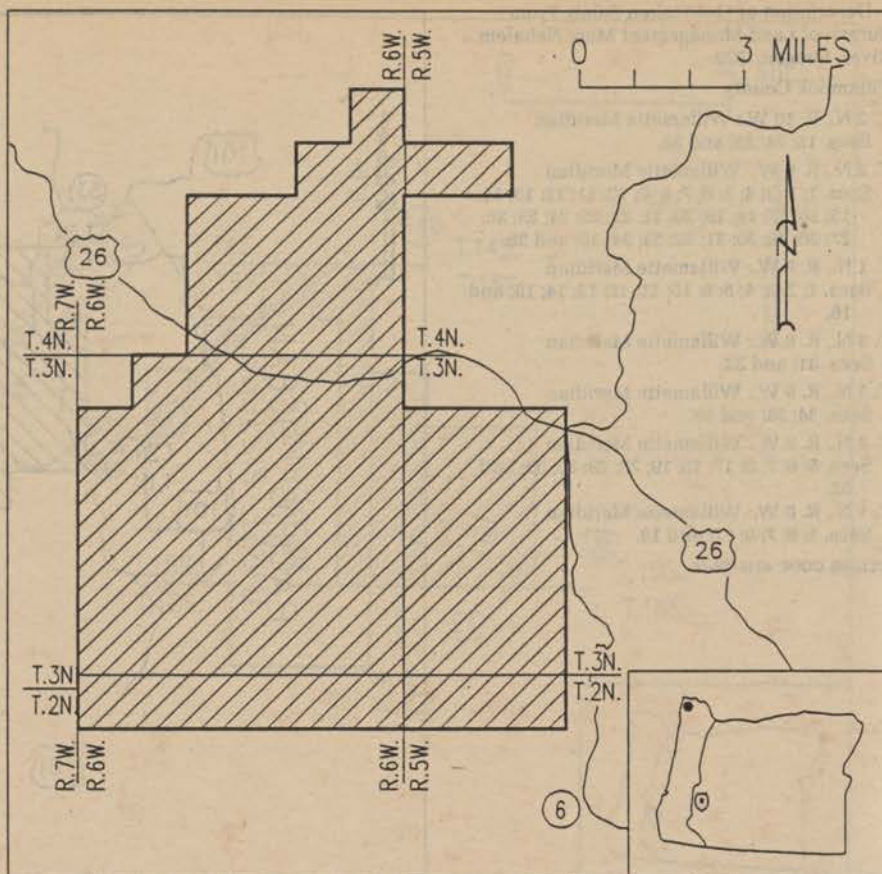
T. 3 N., R. 6 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 2 N., R. 6 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; and 6.

T. 3 N., R. 5 W.: Willamette Meridian
Secs. 7; 8; 9; 16; 17; 18; 19; 20; 21; 28; 29; 30;
31; 32; and 33.

T. 2 N., R. 5 W.: Willamette Meridian
Secs. 4; 5; and 6.

BILLING CODE 4310-55-M



O-47

BILLING CODE 4310-55-C

Description of O-48 taken Solely From
Bureau of Land Management Map; Astoria,
Oregon 1981.

Clatsop County

T. 9 N., R. 7 W.: Willamette Meridian
Secs. 25; and 36.

T. 9 N., R. 6 W.: Willamette Meridian
Sec. 31.

T. 8 N., R. 7 W.: Willamette Meridian
Secs. 1; 2; 11; 12; 13; 14; 23; 24; 25; 26; 35;
and 36.

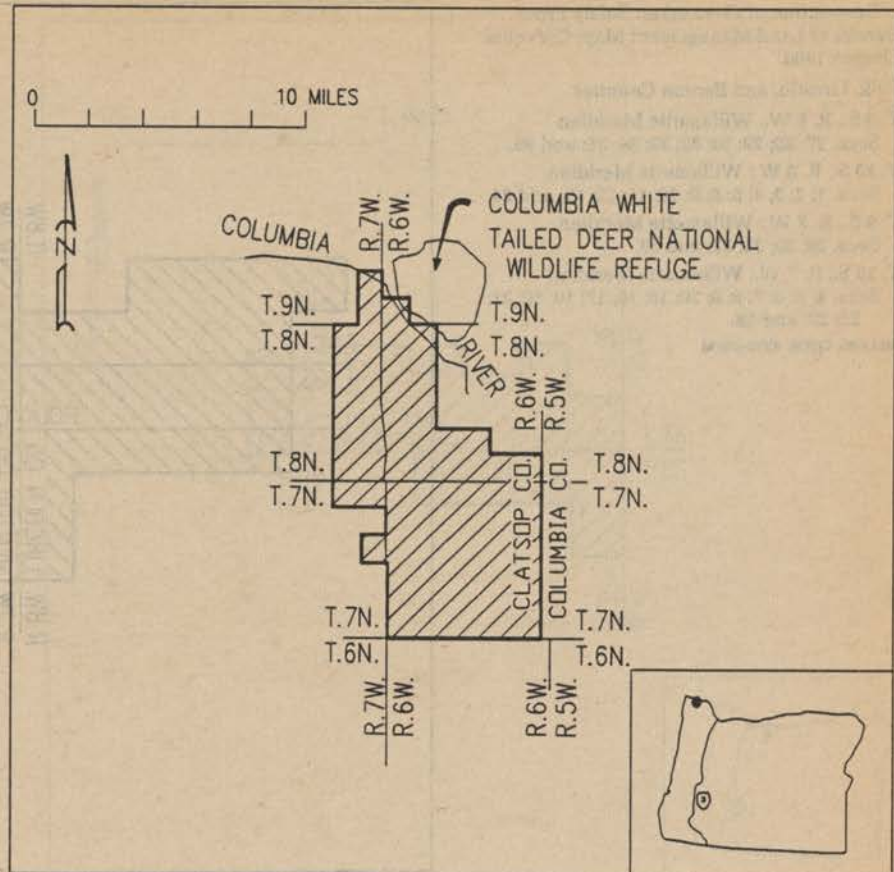
T. 8 N., R. 6 W.: Willamette Meridian
Secs. 5; 6; 7; 8; 17; 18; 19; 20; 27; 28; 29; 30;
31; 32; 33; 34; 35; and 36.

T. 7 N., R. 6 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 7 N., R. 7 W.: Willamette Meridian
Secs. 1; 2; and 13.

Excepting any of the above area lying
within the Colombian White Tailed Deer
National Wildlife Refuge area and the
Columbia River.

BILLING CODE 4310-55-M



□-48

BILLING CODE 4310-55-C

Description of O-49 taken Solely From
Bureau of Land Management Map; Corvallis,
Oregon 1980.

Polk, Lincoln, and Benton Counties

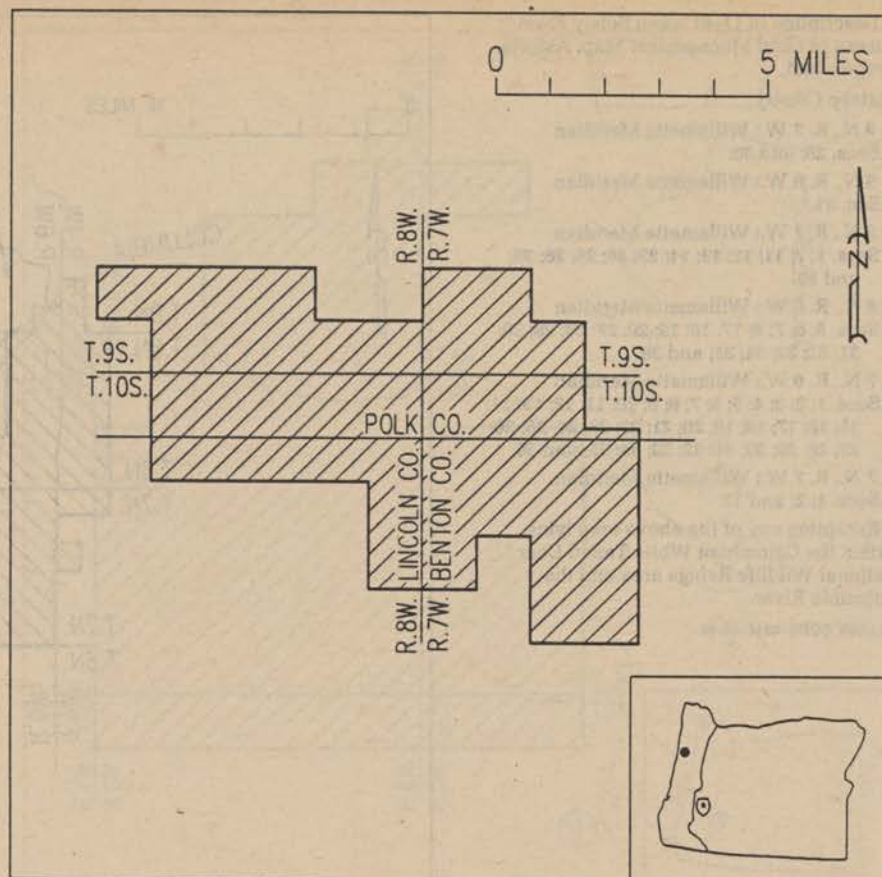
T. 9 S., R. 8 W.: Willamette Meridian
Secs. 27; 28; 29; 30; 32; 33; 34; 35; and 36.

T. 10 S., R. 8 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 13; and 24.

T. 9 S., R. 7 W.: Willamette Meridian
Secs. 29; 30; 31; 32; and 33.

T. 10 S., R. 7 W.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 10; 15; 16; 17; 18; 19; 21;
22; 27; and 28.

BILLING CODE 4310-55-M



84-0

O-49

BILLING CODE 4310-55-C

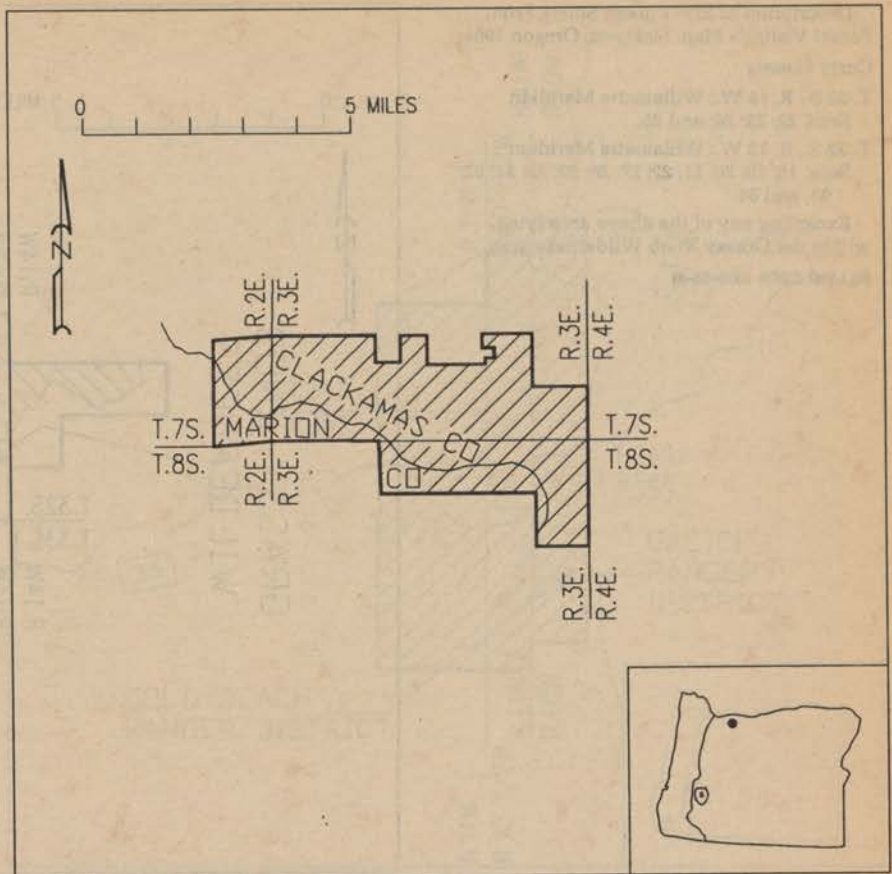
Description of O-50 taken Solely From
Forest Visitor's Map; Mt. Hood, Oregon 1987.
Clackamas and Marion Counties

T. 7 S., R. 2 E.: Willamette Meridian
Secs. 25; and 36.

T. 7 S., R. 3 E.: Willamette Meridian
Secs. 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and
36.

T. 8 S., R. 3 E.: Willamette Meridian
Secs. 1; 2; 3; 4; and 12.

BILLING CODE 4310-55-M



O-50

BILLING CODE 4310-55-C

Description of SIS-1 taken Solely From
Forest Visitor's Map; Siskiyou, Oregon 1984.

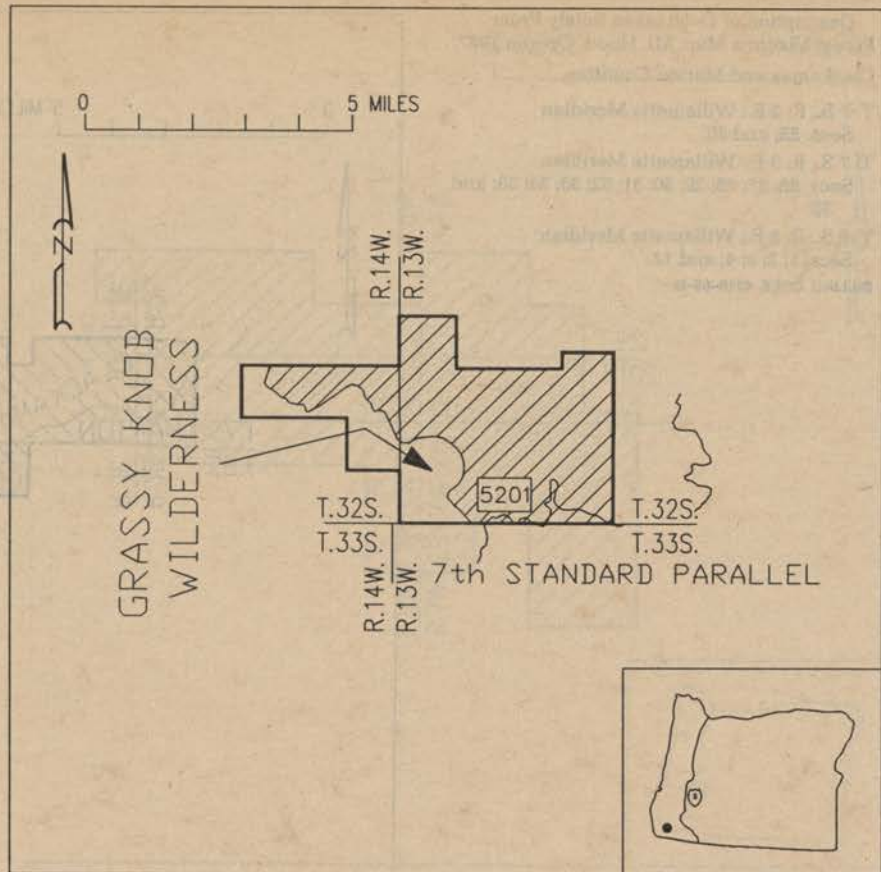
Curry County

T. 32 S., R. 14 W.: Willamette Meridian
Secs. 22; 23; 24; and 25.

T. 32 S., R. 13 W.: Willamette Meridian
Secs. 18; 19; 20; 21; 22; 27; 28; 29; 30; 31; 32;
33; and 34.

Excepting any of the above area lying
within the Grassy Knob Wilderness area.

BILLING CODE 4310-55-M



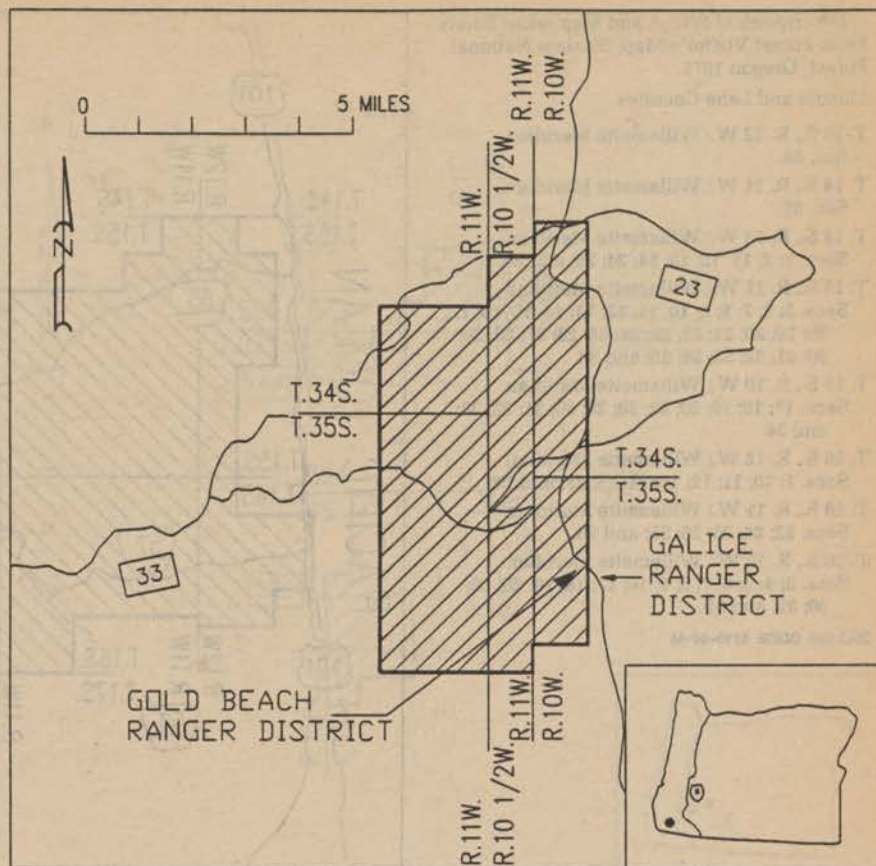
SIS-1

BILLING CODE 4310-55-C

Description of SIS-2 taken Solely From
Forest Visitor's Map; Siskiyou, Oregon 1984.
Curry County

- T. 34 S., R. 11 W.: Willamette Meridian
Secs. 25; 26; 35; and 36.
T. 34 S., R. 10½ W.: Willamette Meridian
Secs. 19; 30; and 31.
T. 34 S., R. 10 W.: Willamette Meridian
Secs. 7; 18; 19; 30; and 31.
T. 35 S., R. 11 W.: Willamette Meridian
Secs. 1; 2; 11; 12; 13; 14; 23; 24; 25; and 26.
T. 35 S., R. 10½ W.: Willamette Meridian
Secs. 6; 7; 18; 19; and 30.
T. 35 S., R. 10 W.: Willamette Meridian
Secs. 6; 7; and 18.

BILLING CODE 4310-55-M



SIS-2

BILLING CODE 4310-55-C

Description of SNF-1 and Map taken Solely From Forest Visitor's Map; Siuslaw National Forest, Oregon 1975.

Lincoln and Lane Counties

T. 14 S., R. 12 W.: Willamette Meridian
Sec. 36.

T. 14 S., R. 11 W.: Willamette Meridian
Sec. 31.

T. 15 S., R. 12 W.: Willamette Meridian
Secs. 1; 2; 11; 12; 13; 14; 24; 25; and 36.

T. 15 S., R. 11 W.: Willamette Meridian
Secs. 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17;
18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.

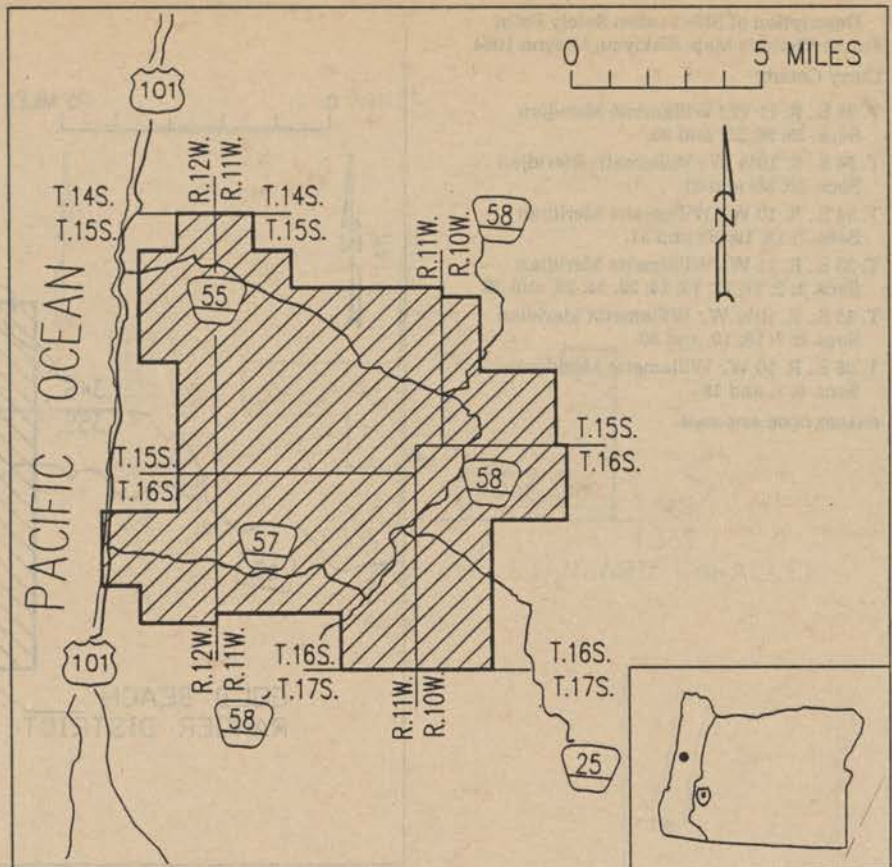
T. 15 S., R. 10 W.: Willamette Meridian
Secs. 17; 18; 19; 20; 27; 28; 29; 30; 31; 32; 33;
and 34.

T. 16 S., R. 12 W.: Willamette Meridian
Secs. 1; 10; 11; 12; 13; 14; 15; 23; and 24.

T. 16 S., R. 11 W.: Willamette Meridian
Secs. 22; 24; 25; 26; 35; and 36.

T. 16 S., R. 10 W.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 17; 18; 19; 20; 29;
30; 31; and 32.

BILLING CODE 4310-55-M



SNF-1

BILLING CODE 4310-55-C

Description of UNF-1 and Map taken
Solely From Forest Visitor's Map; Umpqua,
Oregon 1985.

Douglas and Lane Counties

T. 25 S., R. 1 E.: Willamette Meridian
Secs. 4; 5; 6; and 7.

T. 24 S., R. 1 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 14; 15; 16; 17;
19; 20; 21; 22; 28; 29; 30; 31; 32; and 33.

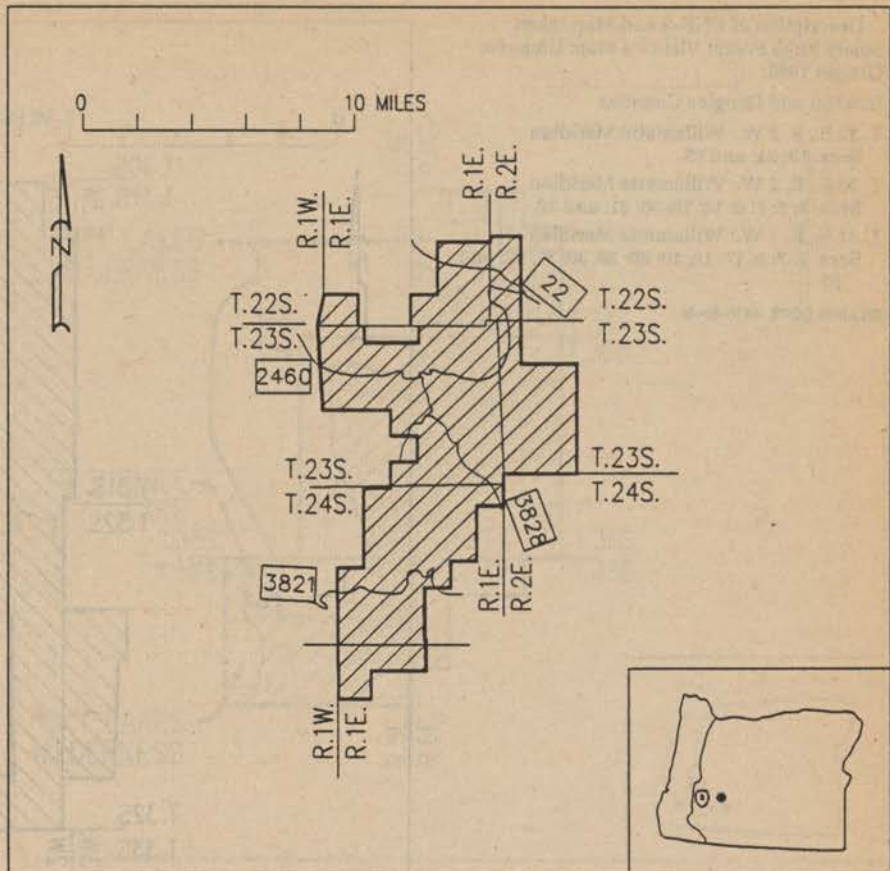
T. 23 S., R. 1 E.: Willamette Meridian
Secs. 1; 2; 3; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 21; 22; 23; 24; 25; 26; 27; 33; 34;
35; and 36.

T. 22 S., R. 1 E.: Willamette Meridian
Secs. 23; 24; 25; 26; 31; 34; 35; and 36.

T. 22 S., R. 2 E.: Willamette Meridian
Secs. 19; 30; and 31.

T. 23 S., R. 2 E.: Willamette Meridian
Secs. 6; 7; 16; 17; 18; 19; 20; 21; 28; 29; 30; 31;
32; and 33.

BILLING CODE 4310-55-M



UNF-1

BILLING CODE 4310-55-C

Description of UNF-2 and Map taken
Solely From Forest Visitor's Map: Umpqua,
Oregon 1985.

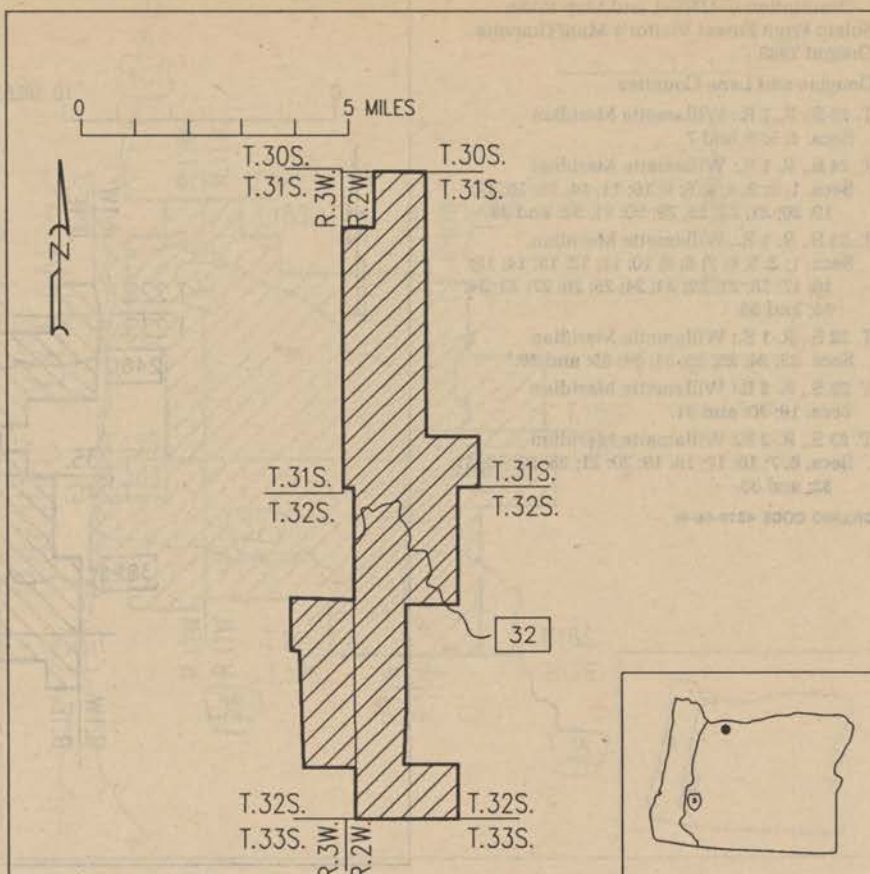
Jackson and Douglas Counties

T. 32 S., R. 3 W.: Willamette Meridian
Secs. 13; 24; and 25.

T. 32 S., R. 2 W.: Willamette Meridian
Secs. 5; 6; 7; 8; 18; 19; 30; 31; and 32.

T. 31 S., R. 2 W.: Willamette Meridian
Secs. 5; 7; 8; 17; 18; 19; 20; 29; 30; 31; 32; and
33.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

UNF-2

Description of WIN-1 taken Solely From
Forest Visitor's Map; Winema, Oregon 1986.
Klamath County

T. 34 S., R. 6 E.: Willamette Meridian
Secs. 16; 17; 19; 21; 22; 27; 28; 29; 30; 31; 32;
33; and 34.

T. 35 S., R. 6 E.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 15; 16; 17; 18; 19;
20; 21; 22; 27; 28; 29; 30; 31; 32; 33; and 34.

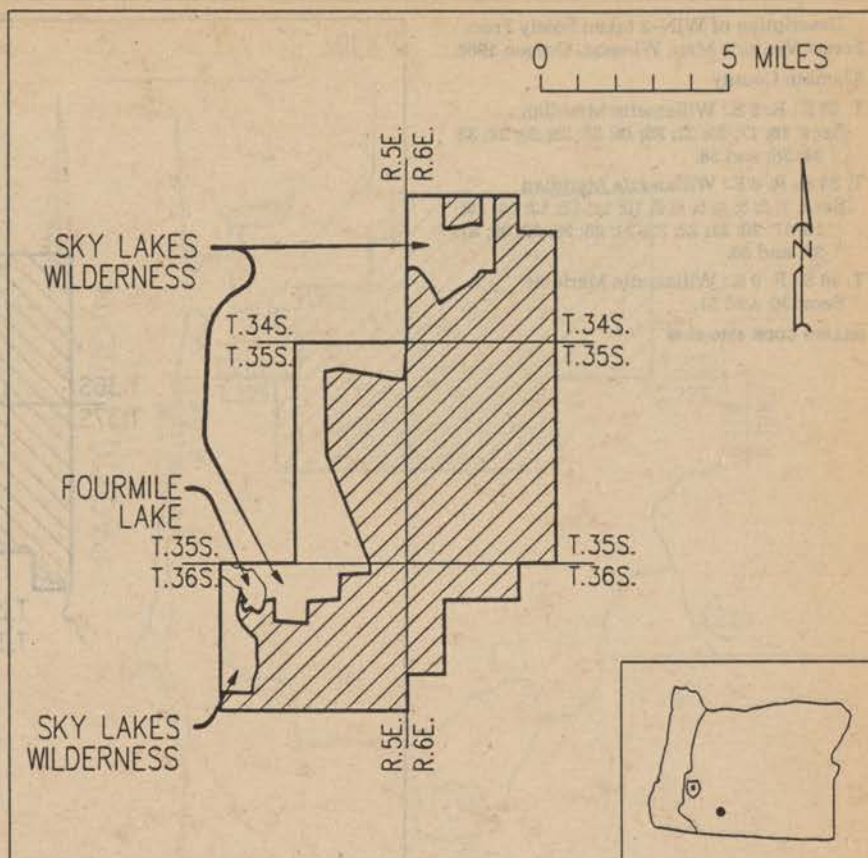
T. 36 S., R. 6 E.: Willamette Meridian
Secs. 4; 5; 6; 7; and 18.

T. 35 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; 3; 10; 11; 12; 13; 14; 15; 22; 23; 24;
25; 26; 35; and 36.

T. 36 S., R. 5 E.: Willamette Meridian
Secs. 1; 2; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17;
20; 21; 22; 23; and 24.

Excepting any of the above area lying
within the Sky Lakes Wilderness area.

BILLING CODE 4310-55-M



WIN-1

BILLING CODE 4310-55-C

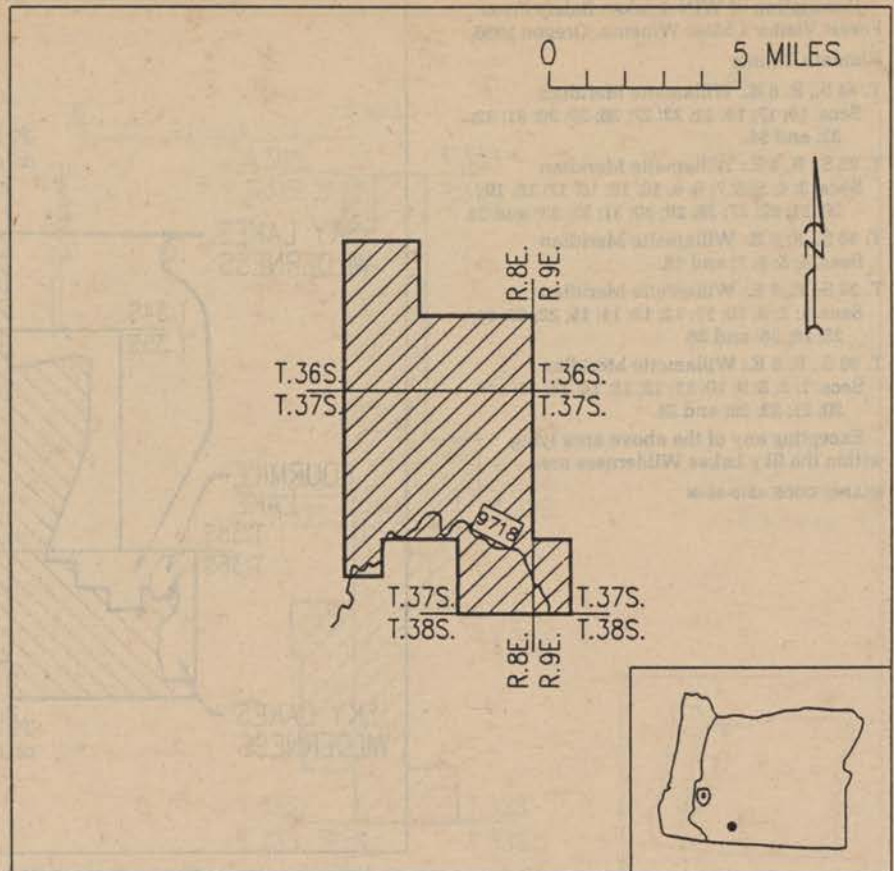
Description of WIN-2 taken Solely From
Forest Visitor's Map; Winema, Oregon 1986.
Klamath County

T. 35 S., R. 8 E.: Willamette Meridian
Secs. 16; 17; 20; 21; 25; 26; 27; 28; 29; 32; 33;
34; 35; and 36.

T. 36 S., R. 8 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 20; 21; 22; 23; 24; 25; 26; 29; 30; 31;
35; and 36.

T. 36 S., R. 9 E.: Willamette Meridian
Secs. 30; and 31.

BILLING CODE 4310-55-M



WIN-2

BILLING CODE 4310-55-C

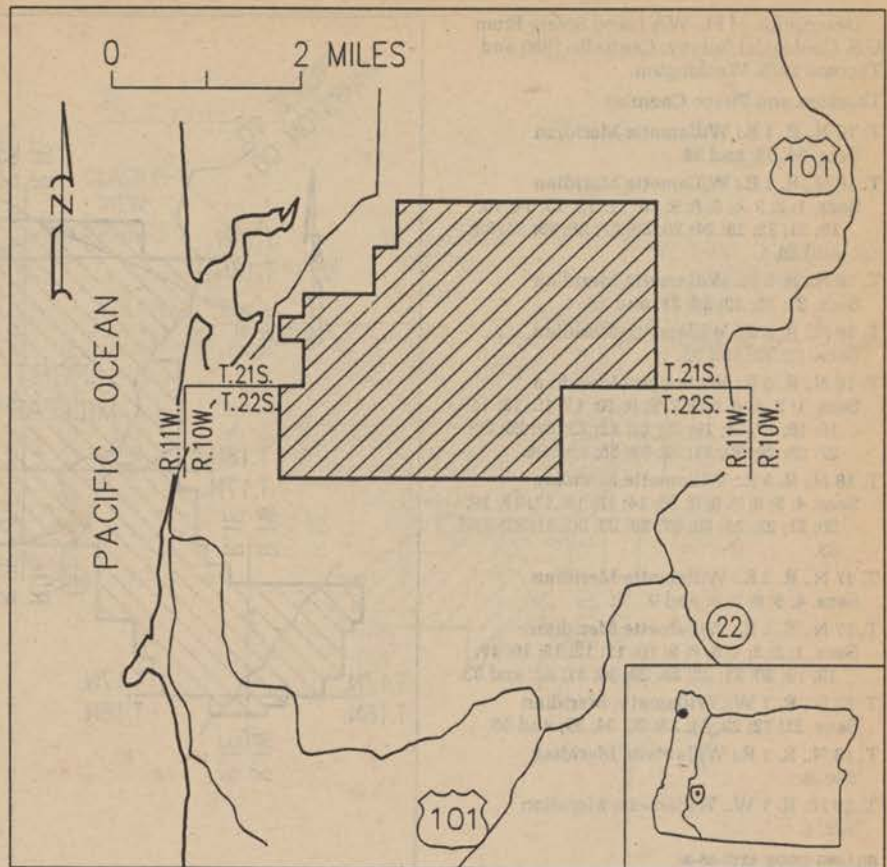
Description of YR-1 taken Solely From
Forest Visitor's Map; Yamhill River, Oregon.
Tillamook County

T. 3 S., R. 10 W.: Willamette Meridian
Secs. 26; 27; 28; 32; 33; 34; and 35.

T. 4 S., R. 10 W.: Willamette Meridian
Secs. 3; 4; and 5.

Washington: Areas of land and water as
follows:

BILLING CODE 4310-55-M



YR-1

BILLING CODE 4310-55-C

Description of FL-WA taken Solely From
U.S. Geological Survey; Centralia 1980 and
Tacoma 1975, Washington.

Thurston and Pierce Counties

T. 19 N., R. 1 E.: Willamette Meridian
Secs. 34; 35; and 36.

T. 18 N., R. 1 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 13; 14; 15;
16; 21; 22; 23; 24; 25; 26; 27; 28; 33; 34; 35;
and 36.

T. 19 N., R. 2 E.: Willamette Meridian
Secs. 31; 32; 33; 34; 35; and 36.

T. 19 N., R. 3 E.: Willamette Meridian
Secs. 31; 32; and 33.

T. 18 N., R. 2 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 35; and 36.

T. 18 N., R. 3 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 10; 14; 15; 16; 17; 18; 19;
20; 21; 22; 23; 26; 27; 28; 29; 30; 31; 32; and
33.

T. 17 N., R. 2 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; and 9.

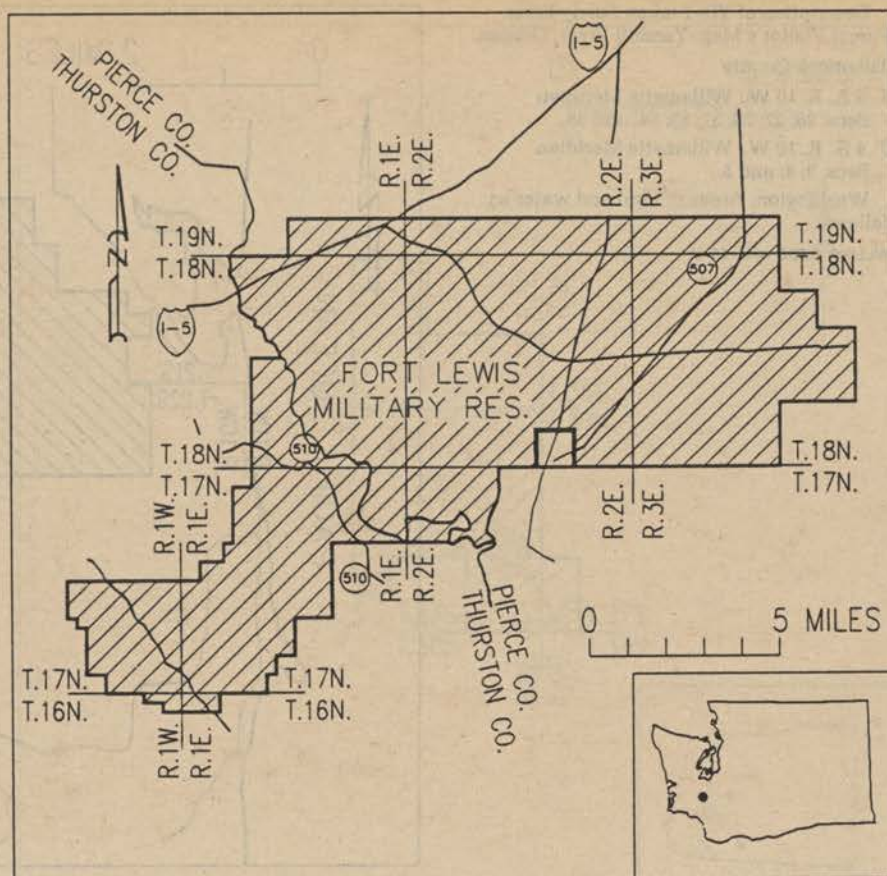
T. 17 N., R. 1 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 15; 16; 17;
18; 19; 20; 21; 22; 28; 29; 30; 31; 32; and 33.

T. 17 N., R. 1 W.: Willamette Meridian
Secs. 21; 22; 23; 24; 25; 26; 34; 35; and 36.

T. 16 N., R. 1 E.: Willamette Meridian
Sec. 6.

T. 16 N., R. 1 W.: Willamette Meridian
Sec. 1.

BILLING CODE 4310-55-M



FL-WA

BILLING CODE 4310-55-C

Description of GP-1 Taken Solely From
Forest Visitor's Map; Gifford Pinchot
National Forest, Washington 1984.

Lewis, Pierce, and Yakima Counties

T. 16 N., R. 7 E.: Willamette Meridian
Sec. 32.

T. 15 N., R. 7 E.: Willamette Meridian
Secs. 5; 8; 16; 17; 18; 19; 20; 21; 28; 29; 30; 32;
33; and 34.

T. 14 N., R. 7 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 21; 22; 23; 24; 25; 35; and 36.

T. 13 N., R. 8 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
and 27.

T. 14 N., R. 8 E.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 14 N., R. 9 E.: Willamette Meridian
Secs. 7; 8; 17; 18; 19; 20; 21; 28; 29; 30; 31; 32;
33; 34; 35; and 36.

T. 15 N., R. 10 E.: Willamette Meridian
Secs. 35; and 36.

T. 14 N., R. 10 E.: Willamette Meridian
Secs. 1; 2; 3; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16;
17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28;
29; 30; 31; 32; 33; 34; 35; and 36.

T. 14 N., R. 11 E.: Willamette Meridian
Secs. 5; 6; 7; 8; 18; 19; 20; 28; 29; 30; 31; 32;
and 33.

T. 13 N., R. 11 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; and 9.

T. 13 N., R. 10 E.: Willamette Meridian
Secs. 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 29; 30;
31; and 32.

T. 13 N., R. 9 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
17; 18; 19; 20; 22; 23; 24; 25; 26; 27; 29; 30;
33; 34; 35; and 36.

T. 12 N., R. 9 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 10; 11; 12; 13; 14; 15; 16; 17;
18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 32; 33; 34; 35; and 36.

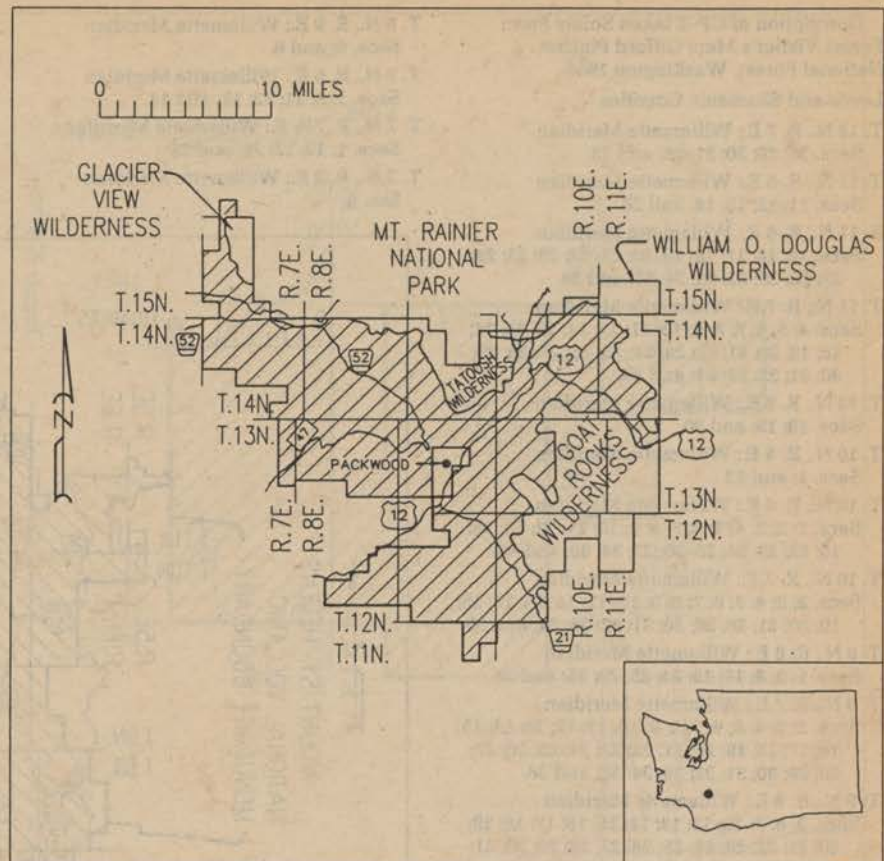
T. 11 N., R. 9 E.: Willamette Meridian
Secs. 1; 2; and 11.

T. 12 N., R. 10 E.: Willamette Meridian
Secs. 5; 6; 7; 8; 17; 18; 19; 20; 21; 28; 29; 30;
31; 32; and 33.

T. 12 N., R. 8 E.: Willamette Meridian
Secs. 13; 14; 21; 22; 23; 24; 25; 26; 27; and 28.

Excepting any of the above area lying
within Glacier View, William O. Douglas,
Goat Rocks, and Tatoosh Wilderness areas.

BILLING CODE 4310-55-M



GP-1

BILLING CODE 4310-55-C

Description of GP-2 taken Solely From
Forest Visitor's Map; Gifford Pinchot
National Forest, Washington 1984.

Lewis and Skamania Counties

- T. 12 N., R. 7 E.: Willamette Meridian
Secs. 28; 29; 30; 31; 32; and 33.
- T. 11 N., R. 5 E.: Willamette Meridian
Secs. 11; 12; 13; 14; and 36.
- T. 11 N., R. 6 E.: Willamette Meridian
Secs. 15; 16; 17; 18; 19; 20; 21; 22; 23; 25; 26;
27; 28; 29; 32; 33; 34; 35; and 36.
- T. 11 N., R. 7 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 10; 11; 13; 14; 15; 16; 17;
18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; and 35.
- T. 11 N., R. 8 E.: Willamette Meridian
Secs. 18; 19; and 30.
- T. 10 N., R. 5 E.: Willamette Meridian
Secs. 1; and 12.
- T. 10 N., R. 6 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 22; 23; 24; 25; 26; 27; 34; 35; and 36.
- T. 10 N., R. 7 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 15; 16; 17; 18;
19; 20; 21; 28; 29; 30; 31; 32; 33; 34; and 35.
- T. 9 N., R. 6 E.: Willamette Meridian
Secs. 1; 2; 3; 12; 13; 24; 25; 26; 35; and 36.
- T. 9 N., R. 7 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 9 N., R. 8 E.: Willamette Meridian
Secs. 3; 6; 7; 10; 11; 13; 14; 15; 16; 17; 18; 19;
20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31;
32; 33; 34; and 35.
- T. 9 N., R. 9 E.: Willamette Meridian
Secs. 18; 19; 20; 21; 22; 27; 28; 29; 30; 31; 32;
33; and 34.
- T. 8 N., R. 6 E.: Willamette Meridian
Secs. 1; 2; 3; 10; 11; 12; 13; 14; 15; 16; 21; 22;
23; 24; 25; 26; 27; 28; 34; 35; and 36.
- T. 8 N., R. 7 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 8 N., R. 7½ E.: Willamette Meridian
Secs. 1; 12; 13; 24; 25; and 36.
- T. 8 N., R. 8 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 14; 15; 16;
17; 18; 19; 20; 21; 22; 23; 27; 28; 29; 30; and
31.

T. 8 N., R. 9 E.: Willamette Meridian
Secs. 5; and 6.

T. 7 N., R. 6 E.: Willamette Meridian
Secs. 1; 2; 11; 12; 13; and 14.

T. 7 N., R. 7½ E.: Willamette Meridian
Secs. 1; 12; 13; 24; and 25.

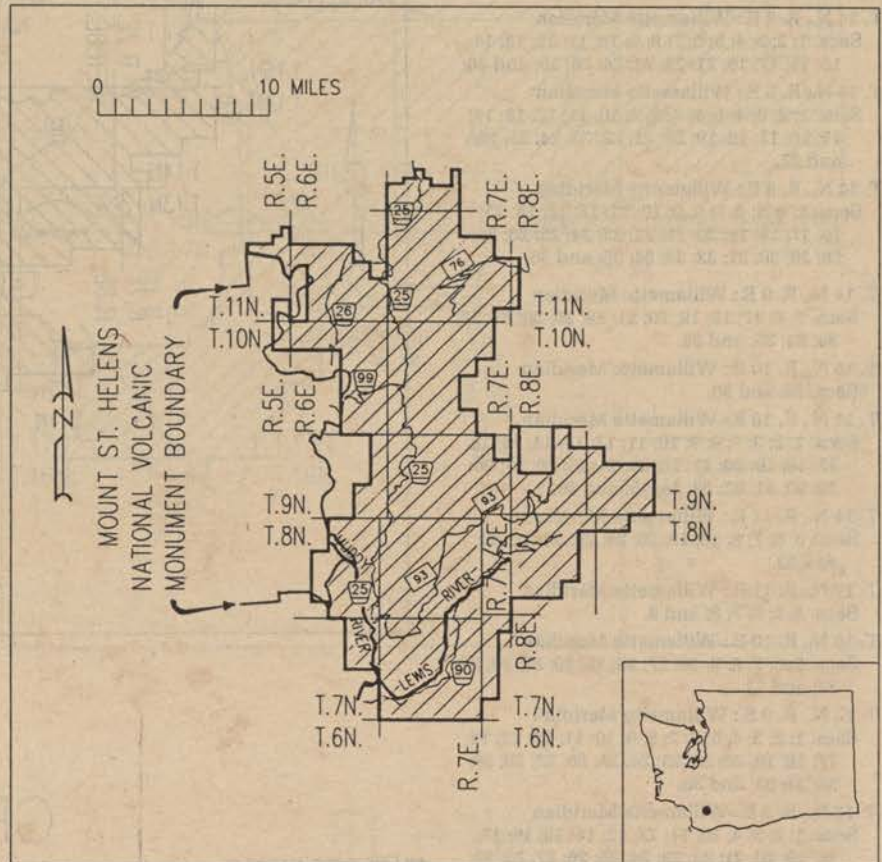
T. 7 N., R. 8 E.: Willamette Meridian
Sec. 6.

T. 7 N., R. 7 E.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

Excepting any of the above area lying
within the Mount St. Helens National
Volcanic Monument.

BILLING CODE 4310-55-M



GP-2

BILLING CODE 4310-55-C

Description of GP-3 taken Solely From
Forest Visitor's Map; Gifford Pinchot
National Forest, Washington 1984.

Yakima, Klickitat, and Skamania Counties

T. 8 N., R. 10 E.: Willamette Meridian
Secs. 35; and 36.

T. 7 N., R. 10 E.: Willamette Meridian
Secs. 1; 2; 3; 10; 11; 12; 13; 14; 15; 22; 23; 24;
25; 26; 27; 34; 35; and 36.

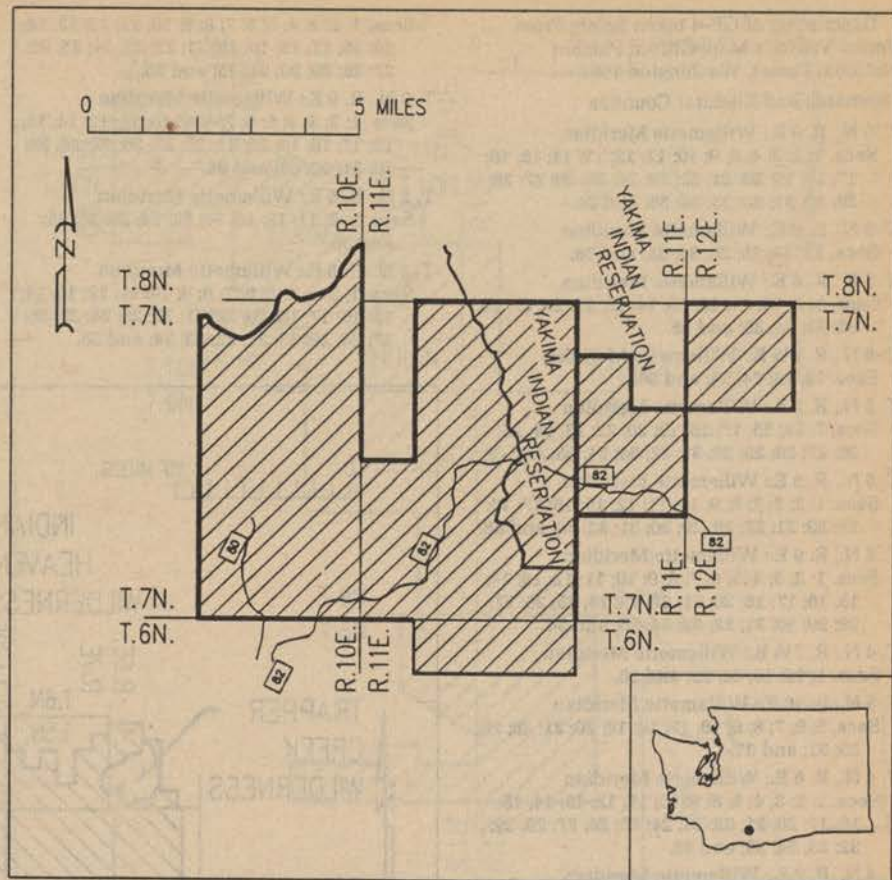
T. 7 N., R. 11 E.: Willamette Meridian
Secs. 3; 4; 5; 8; 9; 10; 11; 13; 14; 15; 16; 17; 19;
20; 21; 22; 23; 24; 27; 28; 29; 30; 31; 32; 33;
and 34.

T. 7 N., R. 12 E.: Willamette Meridian
Secs. 5; 6; 7; and 8.

T. 6 N., R. 11 E.: Willamette Meridian
Secs. 3; 4; and 5.

Excepting any of the above area lying
within the Mt. Adams Wilderness area.

BILLING CODE 4310-55-M



GP-3

BILLING CODE 4310-55-C

Description of GP-4 taken Solely From Forest Visitor's Map; Gifford Pinchot National Forest, Washington 1984.

Skamania and Klickitat Counties

T. 6 N., R. 9 E.: Willamette Meridian

Secs. 1; 2; 3; 4; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 6 N., R. 8 E.: Willamette Meridian

Secs. 23; 24; 25; 26; 34; 35; and 36.

T. 5 N., R. 6 E.: Willamette Meridian

Secs. 1; 2; 10; 11; 12; 13; 14; 15; 21; 25; 27; 28; 32; 33; 34; 35; and 36.

T. 5 N., R. 7½ E.: Willamette Meridian

Secs. 12; 13; 24; 25; and 36.

T. 5 N., R. 7 E.: Willamette Meridian

Secs. 7; 13; 15; 17; 18; 19; 20; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 5 N., R. 8 E.: Willamette Meridian

Secs. 1; 2; 3; 7; 8; 9; 10; 11; 12; 15; 16; 17; 18; 19; 20; 21; 22; 28; 29; 30; 31; 32; 33; and 35.

T. 5 N., R. 9 E.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 4 N., R. 7½ E.: Willamette Meridian

Secs. 1; 12; 13; 24; 25; and 36.

T. 5 N., R. 10 E.: Willamette Meridian

Secs. 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 28; 29; 30; 31; and 32.

T. 4 N., R. 6 E.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 32; 33; 34; 35; and 36.

T. 4 N., R. 7 E.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 4 N., R. 8 E.: Willamette Meridian

Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 4 N., R. 9 E.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 15; 16; 17; 19; 20; 21; 22; 26; 27; 28; 29; 30; 31; 32; 33; 34; and 35.

T. 3 N., R. 5 E.: Willamette Meridian

Secs. 1; 2; 11; 12; 13; 14; 23; 24; 25; 26; 35; and 36.

T. 3 N., R. 6 E.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 3 N., R. 7 E.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 3 N., R. 7½ E.: Willamette Meridian

Secs. 1; 12; 13; 24; 25; and 36.

T. 3 N., R. 8 E.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 35; and 36.

T. 3 N., R. 9 E.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 26; 27; 28; 29; 30; 31; 32; 33; and 34.

T. 2 N., R. 5 E.: Willamette Meridian

Secs. 1; 2; 11; 12; 13; 14; 23; 24; 25; 26; 35; and 36.

T. 2 N., R. 6 E.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; and 35.

T. 2 N., R. 7 E.: Willamette Meridian

Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 15; 16; 17; 18; and 19.

T. 1 N., R. 5 E.: Willamette Meridian

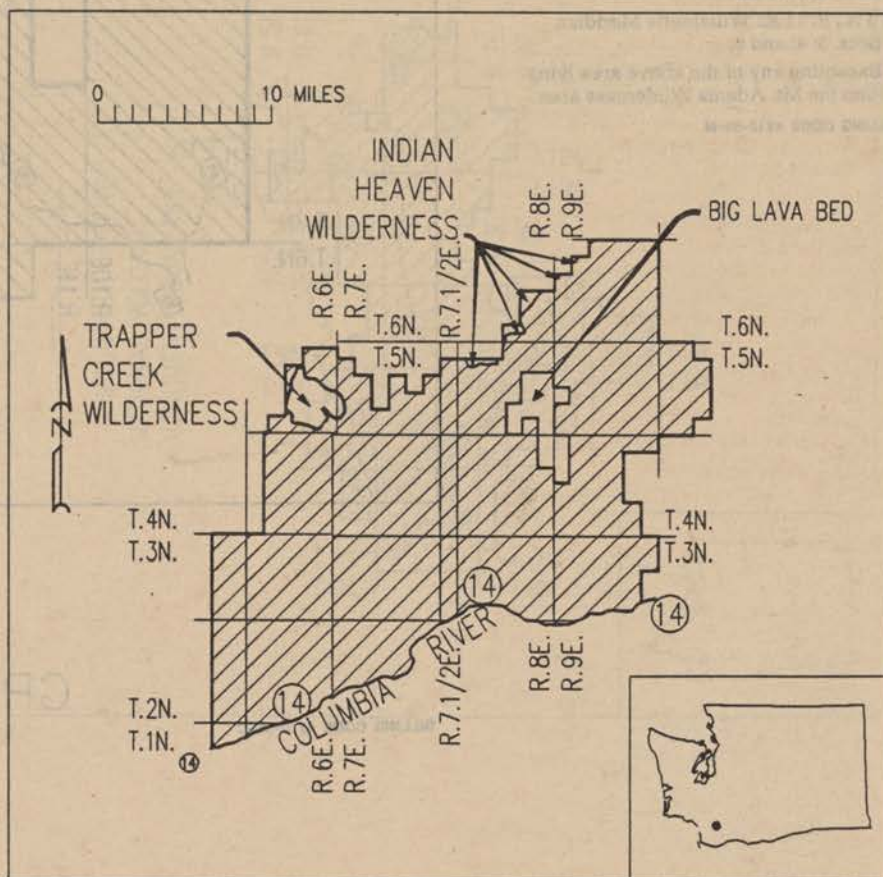
Secs. 1; 2; 11; and 12.

T. 1 N., R. 6 E.: Willamette Meridian

Secs. 5; and 6.

Excepting any of the above area lying within the Indian Heaven Wilderness, Trapper Creek Wilderness areas, and the Columbia River.

BILLING CODE 4310-55-M



GP-4

BILLING CODE 4310-55-C

Description of GP-5 taken Solely From Forest Visitor's Map; Gifford Pinchot National Forest, Washington 1984.

Lewis, Skamania, and Yakima Counties

T. 11 N., R. 10 E.: Willamette Meridian
Secs. 25; 26; 27; 34; 35; and 36.

T. 11 N., R. 11 E.: Willamette Meridian
Secs. 30; and 31.

T. 10 N., R. 10 E.: Willamette Meridian
Secs. 1; 2; 3; 10; and 11.

T. 10 N., R. 11 E.: Willamette Meridian
Sec. 6.

T. 10 N., R. 11 E.: Willamette Meridian
Sec. 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16;
17; 18; 20; 21; 22; 23; 24; 25; 26; 27; 28; 33;
34; 35; and 36.

T. 9 N., R. 11 E.: Willamette Meridian
Sec. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 16; 24;
25; and 36.

T. 8 N., R. 11 E.: Willamette Meridian
Sec. 1; 2; 11; 12; 13; 14; 22; 23; 24; 25; 26; 27;
28; and 29.

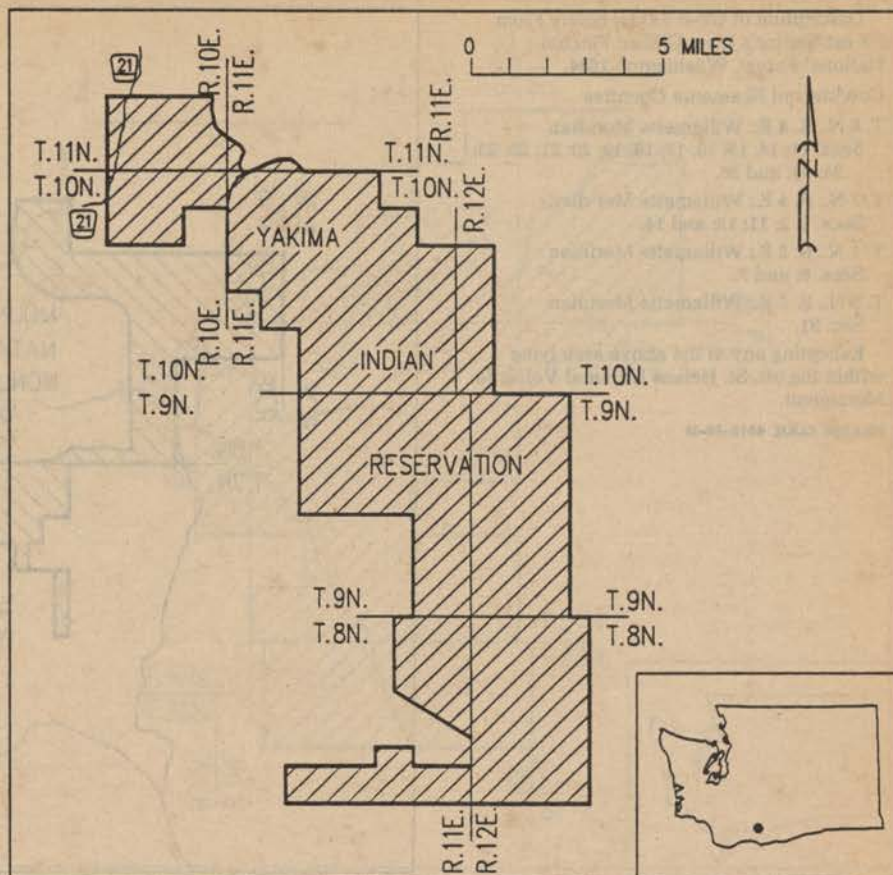
T. 10 N., R. 12 E.: Willamette Meridian
Sec. 18; 19; 30; and 31.

T. 9 N., R. 12 E.: Willamette Meridian
Sec. 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 28;
29; 30; 31; 32; and 33.

T. 8 N., R. 12 E.: Willamette Meridian
Sec. 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 28;
29; and 30.

Excepting any of the above area lying within the William O. Douglas Goat Rocks, and Mount Adams Wilderness areas.

BILLING CODE 4310-55-M



GP-5

BILLING CODE 4310-55-C

Description of GP-6 Taken Solely From
Forest Visitor's Map; Gifford Pinchot
National Forest, Washington 1984.

Cowlitz and Skamania Counties

T. 8 N., R. 4 E.: Willamette Meridian
Secs. 11; 14; 15; 16; 17; 18; 19; 20; 21; 28; 33;
34; 34; and 36.

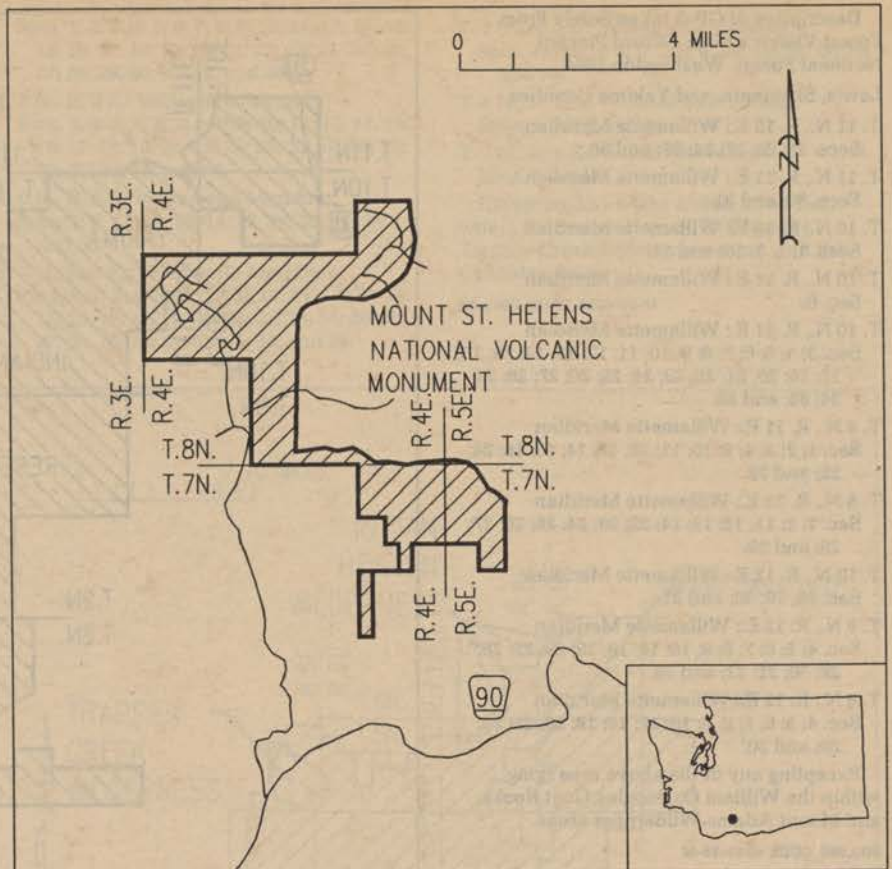
T. 7 N., R. 4 E.: Willamette Meridian
Secs. 1; 2; 11; 12; and 14.

T. 7 N., R. 5 E.: Willamette Meridian
Secs. 6; and 7.

T. 8 N., R. 5 E.: Willamette Meridian
Sec. 31.

Excepting any of the above area lying
within the Mt. St. Helens National Volcanic
Monument.

BILLING CODE 4310-55-M



GP-6

BILLING CODE 4310-55-C

Description of OK-1 taken Solely From
Forest Visitor's Map; Okanogan National
Forest, Washington 1987.

Skagit and Whatcom Counties

T. 38 N., R. 15 E.: Willamette Meridan
Sec. 36.

T. 38 N., R. 16 E.: Willamette Meridan
Secs. 35; and 36.

T. 38 N., R. 17 E.: Willamette Meridan
Secs. 17; 19; 20; 21; 28; 29; 30; 31; 32; and 33.

T. 37 N., R. 15 E.: Willamette Meridan
Secs. 1; 12; and 13.

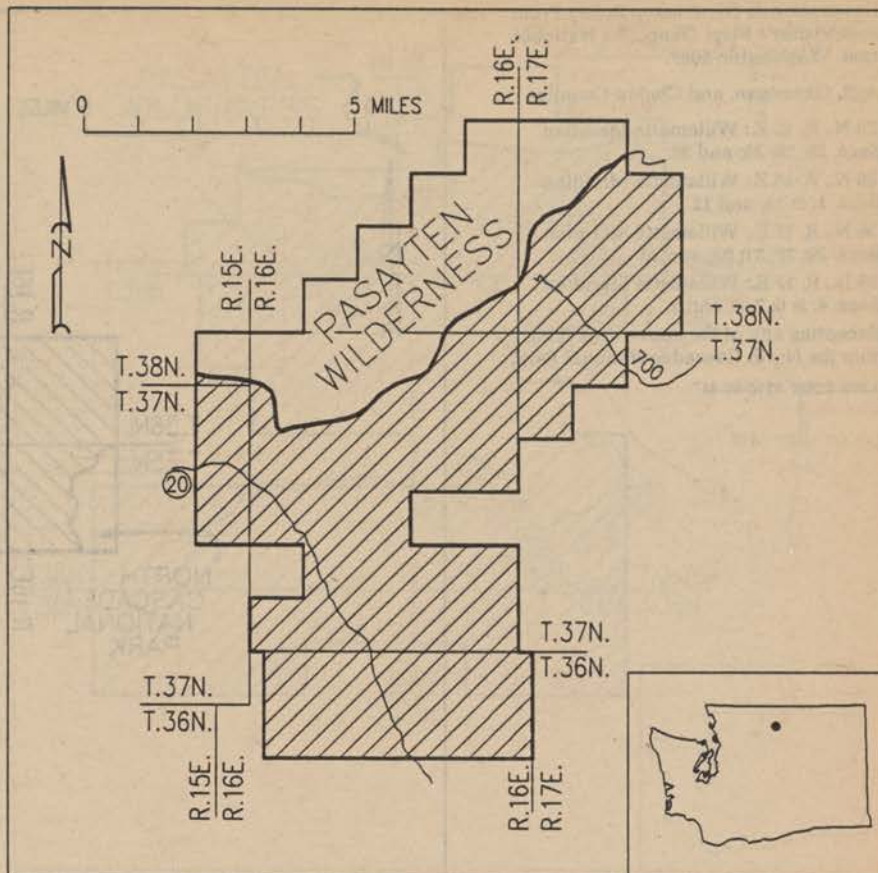
T. 37 N., R. 17 E.: Willamette Meridan
Secs. 5; 6; and 7.

T. 36 N., R. 16 E.: Willamette Meridan
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; and 12.

T. 37 N., R. 16 E.: Willamette Meridan
Secs. 1; 2; 3; 5; 8; 9; 10; 11; 12; 13; 14; 15; 16;
17; 20; 21; 22; 25; 26; 27; 28; 32; 33; 34; 35;
and 36.

Excepting any of the above area lying
within the Pasayten Wilderness Area.

BILLING CODE 4310-55-M



OK-1

BILLING CODE 4310-55-C

Description of OK-2 taken Solely From Forest Visitor's Map; Okanogan National Forest, Washington 1987.

Skagit, Okanogan, and Chelan Counties

T. 36 N., R. 16 E.: Willamette Meridian
Secs. 25; 26; 35; and 36.

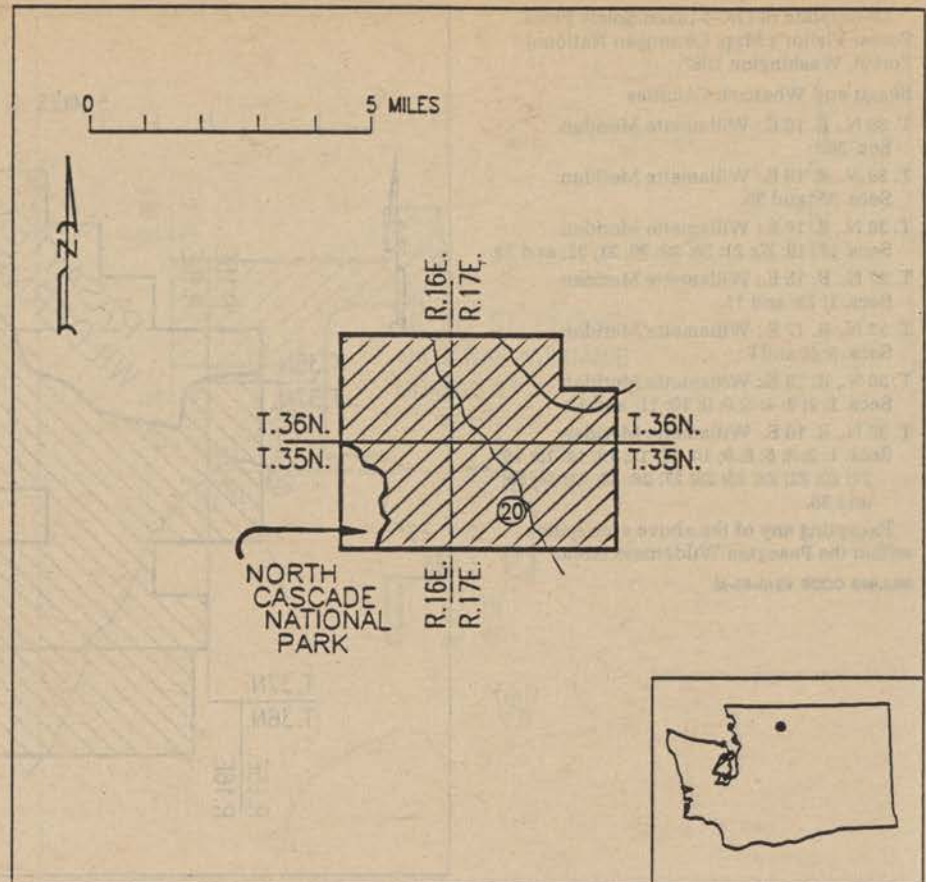
T. 35 N., R. 16 E.: Willamette Meridian
Secs. 1; 2; 11; and 12.

T. 36 N., R. 17 E.: Willamette Meridian
Secs. 29; 30; 31; 32; and 33.

T. 35 N., R. 17 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; and 9.

Excepting any of the above area lying within the North Cascades National Park.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

OK-2

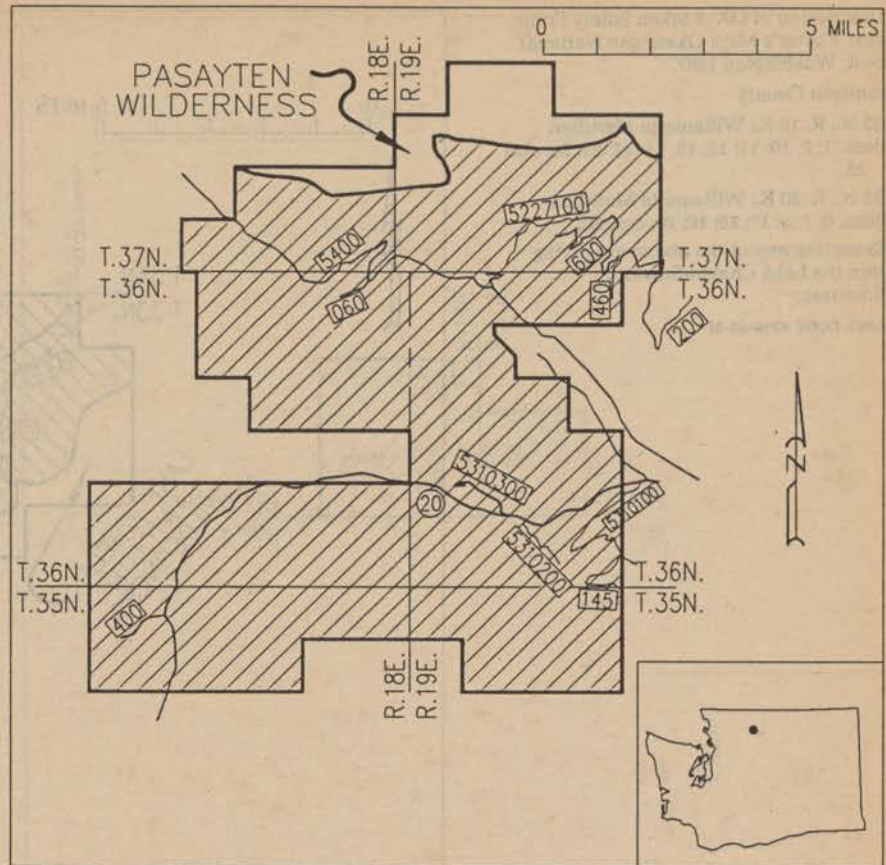
Description of OK-3 Taken Solely From
Forest Visitor's Map; Okanogan National
Forest, Washington 1987.

Okanogan County

- T. 37 N., R. 19 E.: Willamette Meridian
Secs. 19; 20; 21; 22; 23; 26; 27; 28; 29; 30; 31;
32; 33; 34; and 35.
- T. 37 N., R. 18 E.: Willamette Meridian
Secs. 25; 26; 27; 33; 34; 35; and 36.
- T. 36 N., R. 19 E.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8, excepting private
ownership; 16; 17; 18; 19; 20; 21; 22; 27; 28;
29; 30; 31; 32; 33; and 34.
- T. 36 N., R. 18 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 35 N., R. 19 E.: Willamette Meridian
Secs. 3; 4; 5; 6; 8; 9; and 10.
- T. 35 N., R. 18 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; and 10.

Excepting any of the above area lying
within the Pasayten Wilderness Area.

BILLING CODE 4310-55-M



OK-3

BILLING CODE 4310-55-C

Description of OK-4 taken Solely From
Forest Visitor's Map; Okanogan National
Forest, Washington 1987.

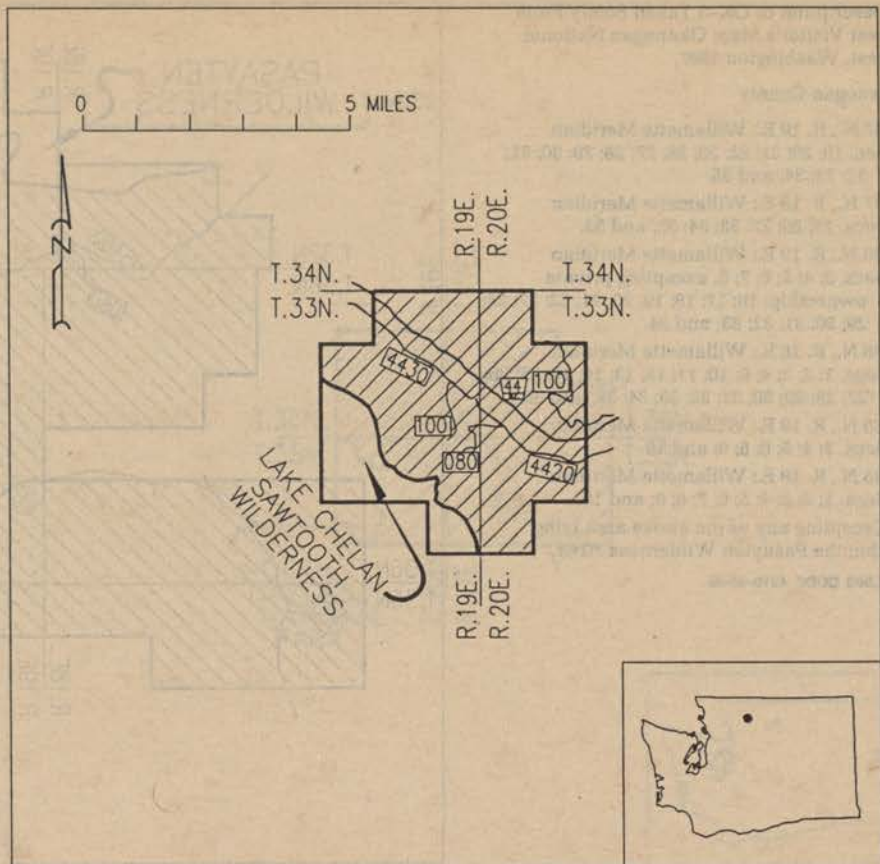
Okanogan County

T. 33 N., R. 19 E.: Willamette Meridian
Secs. 1; 2; 10; 11; 12; 13; 14; 15; 23; 24; and
25.

T. 33 N., R. 20 E.: Willamette Meridian
Secs. 6; 7; 8; 17; 18; 19; 20; and 30.

Excepting any of the above area lying
within the Lake Chelan-Sawtooth
Wilderness.

BILLING CODE 4310-55-M



OK-4

BILLING CODE 4310-55-C

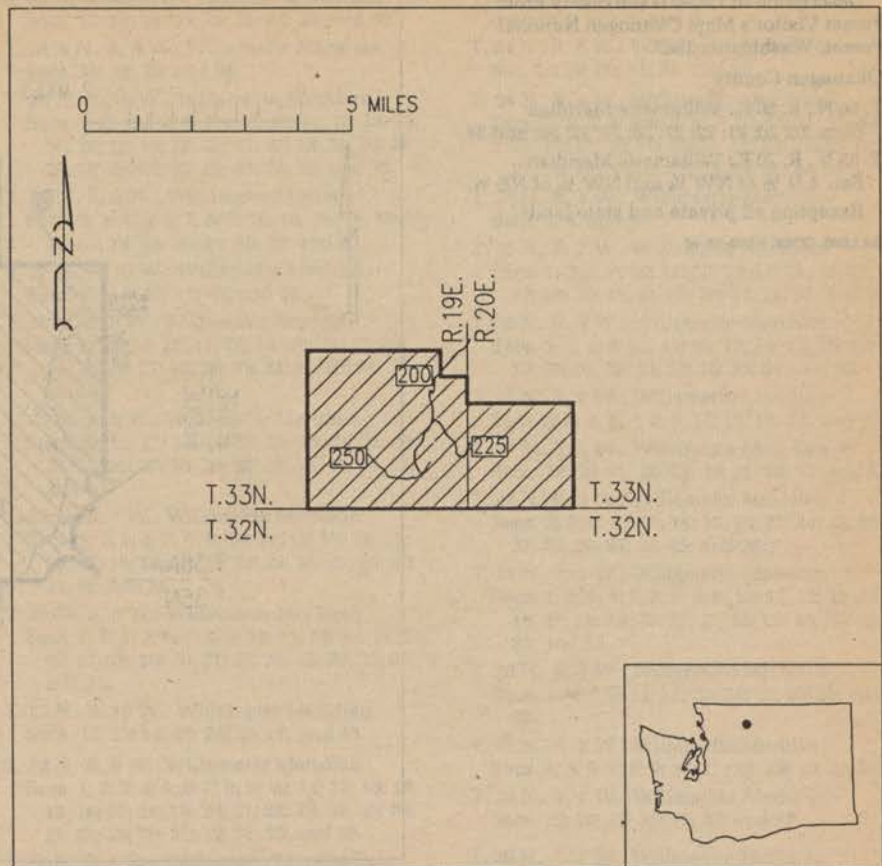
Description of OK-5 taken Solely From
Forest Visitor's Map; Okanogan National
Forest, Washington 1987.

Okanogan County

T. 33 N., R. 21 E.: Willamette Meridian
Secs. 22; 23; Sec. 24 S $\frac{1}{2}$ and NW $\frac{1}{4}$; 25; 26;
27; 34; 35; and 36.

T. 33 N., R. 22 E.: Willamette Meridian
Secs. 29; 30; 31; and 32.

BILLING CODE 4310-55-M



OK-5

BILLING CODE 4310-55-C

Description of OK-6 taken Solely From
Forest Visitor's Map; Okanogan National
Forest, Washington 1987.

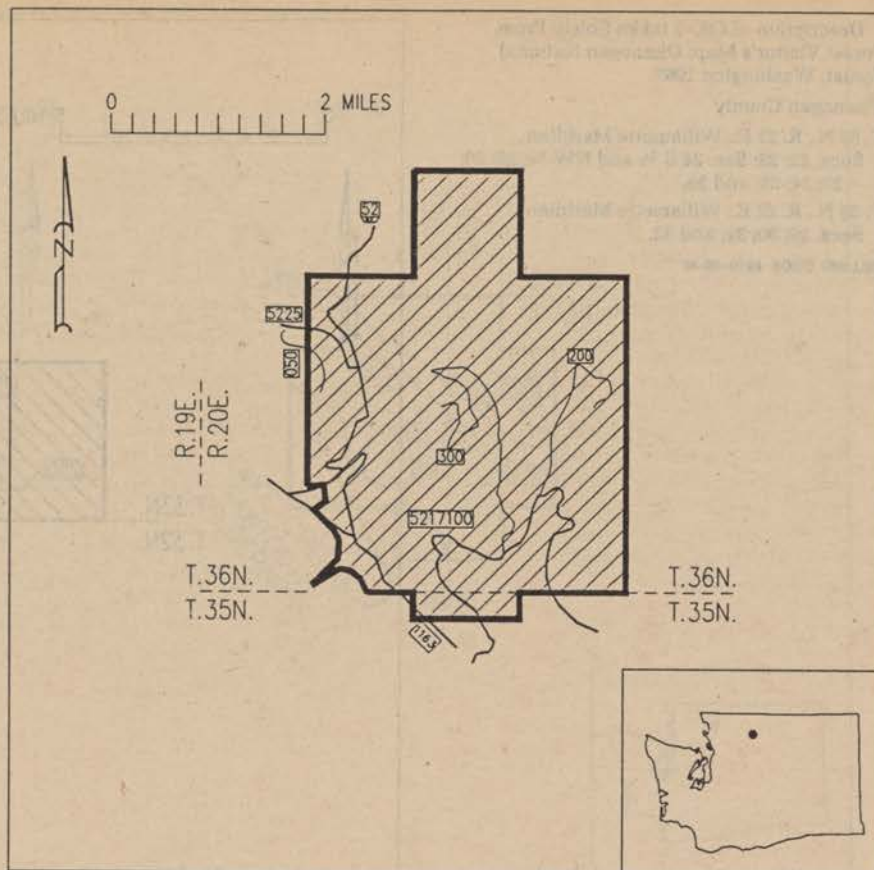
Okanogan County

T. 36 N., R. 20 E.: Willamette Meridian
Secs. 16; 20; 21; 22; 27; 28; 29; 32; 33; and 34.

T. 35 N., R. 20 E.: Willamette Meridian
Sec. 4 N $\frac{1}{2}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$.

Excepting all private and state lands.

BILLING CODE 4310-55-M



OK-6

BILLING CODE 4310-55-C

Description of OLY-1 taken Solely From Forest Visitor's Map; Olympic National Forest, Washington 1987.

Clallam, Jefferson, Grays Harbor, and Mason Counties

- T. 30 N., R. 11 W.: Willamette Meridian
Secs. 7; 8; 9; 10; 11; 13; 14; 15; 16; 17; 18; 19;
20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 32;
33; 34; and 35.
- T. 30 N., R. 10 W.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 15; 16; 17; 18; 19;
20; 21; 22; 23; 28; 33; 34; and 35.
- T. 29 N., R. 10 W.: Willamette Meridian
Secs. 1; 2; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17;
18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.
- T. 28 N., R. 13 W.: Willamette Meridian
Secs. 1; 2; 10; 11; 12; 13; 14; 15; 16; 21; 22; 23;
24; 25; 26; 27; and 36.
- T. 28 N., R. 12 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 15; 16;
17; 18; 19; 20; 21; 22; 27; 28; 29; 30; 31; 32;
33; and 34.
- T. 28 N., R. 11 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; and 18.
- T. 27 N., R. 12 W.: Willamette Meridian
Secs. 4; 5; 6; 8; 9; 10; 11; 13; 14; 15; 16; 22; 23;
24; 25; and 26.
- T. 27 N., R. 11 W.: Willamette Meridian
Secs. 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24;
25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and
36.
- T. 27 N., R. 10 W.: Willamette Meridian
Secs. 19; 27; 28; 29; 30; 31; 32; 33; 34; and 35.
- T. 26 N., R. 11 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 16; 21;
22; 23; 24; 25; 26; 27; 28; 33; 34; 35; and 36.
- T. 26 N., R. 10 W.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 13; 14; 15; 16;
17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28;
29; 30; 31; 32; 33; 34; 35; and 36.
- T. 26 N., R. 9 W.: Willamette Meridian
Secs. 19; 29; 30; 31; and 32.
- T. 25 N., R. 11 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 16; 21;
22; 23; 24; 25; 26; 27; 28; 33; 34; 35; and 36.
- T. 25 N., R. 10 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 14; 15;
16; 17; 18; 19; 20; 21; 29; 30; 31; 32; and 36.
- T. 25 N., R. 9 W.: Willamette Meridian
Secs. 6; 31; and 32.
- T. 24½ N., R. 10 W.: Willamette Meridian
Secs. 33; 34; 35; and 36.

- T. 24 N., R. 10½ W.: Willamette Meridian
Secs. 12; 13; 14; 23; 24; 25; 26; 35; and 36.
- T. 24½ N., R. 9 W.: Willamette Meridian
Secs. 31; 32; 33; and 34.
- T. 24 N., R. 10 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 24 N., R. 9 W.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 15; 16; 17; 18; 19;
20; 21; 28; 29; 30; 31; 32; 33; and 36.
- T. 23 N., R. 10 W.: Willamette Meridian
Secs. 1; 2; 3; 10; 11; 23; and 24.
- T. 23 N., R. 9 W.: Willamette Meridian
Secs. 1; 2; 6; 9; 10; 11; 15; 16; 20; 21; 22; 23;
24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35;
and 36.
- T. 23 N., R. 8 W.: Willamette Meridian
Secs. 10; 11; 12; 13; 14; 15; 16; 20; 21; 22; 23;
24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35;
and 36.
- T. 23 N., R. 7 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 30;
31; 35; and 36.
- T. 23 N., R. 6 W.: Willamette Meridian
Secs. 1; 2; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 29; 30; 31;
and 32.
- T. 22 N., R. 10 W.: Willamette Meridian
Secs. 12; 13; 14; 23; 24; 25; 26; and 36.
- T. 22 N., R. 9 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 34; 35; and 36.
- T. 22 N., R. 8 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; and 35.
- T. 22 N., R. 7 W.: Willamette Meridian
Secs. 1; 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21;
28; 29; 30; and 32.
- T. 22 N., R. 6 W.: Willamette Meridian
Secs. 5; 6; 9; 10; 11; 14; 15; 16; 20; 21; 22; 26;
27; 28; 29; 32; 33; and 34.
- T. 21 N., R. 9 W.: Willamette Meridian
Secs. 1; 2; 11; 12; and 13.
- T. 25 N., R. 4 W.: Willamette Meridian
Secs. 25; 26; 27; 28; 33; 34; 35; and 36.
- T. 21 N., R. 8 W.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 16; 17; and 18.
- T. 23 N., R. 5 W.: Willamette Meridian
Secs. 1; 3; 5; 6; 7; 8; 9; 10; 11; 12; 16; 17; 18;
19; 20; 21; 22; and 23.

- T. 23 N., R. 4 W.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; and 8.
- T. 24 N., R. 8 W.: Willamette Meridian
Sec. 28; 29; 30; 31; 32; and 33.
- T. 24 N., R. 4 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 24 N., R. 3 W.: Willamette Meridian
Secs. 5; 6; and 7.
- T. 25 N., R. 3 W.: Willamette Meridian
Secs. 1; 2; 3; 9; 10; 11; 12; 13; 14; 15; 16; 17;
18; 19; 20; 21; 22; 28; 29; 30; 31; 32; and 33.
- T. 26 N., R. 3 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 10; 11; 12; 13; 14; 15; 16; 17;
19; 20; 21; 22; 23; 24; 26; 33; 34; and 35.
- T. 26 N., R. 2 W.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 17; 18; 19; and 20.
- T. 27 N., R. 2 W.: Willamette Meridian
Secs. 19; 20; 21; 28; 29; 30; 31; 32; 33; and 34.
- T. 27 N., R. 3 W.: Willamette Meridian
Secs. 2; 3; 4; 10; 11; 14; 15; 22; 23; 24; 25; 26;
27; 28; 29; 33; 34; 35; and 36.
- T. 28 N., R. 3 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 15;
16; 17; 18; 19; 20; 21; 27; 28; 29; 30; 32; 33;
34; and 35.
- T. 28 N., R. 4 W.: Willamette Meridian
Secs. 1; 4; 5; 9; 12; 13; 23; 24; 25; 26; 35; and
36.
- T. 28 N., R. 2 W.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; and 21.
- T. 29 N., R. 2 W.: Willamette Meridian
Secs. 19; 20; 29; 30; 31; 32; and 33.
- T. 29 N., R. 3 W.: Willamette Meridian
Secs. 19; 20; 23; 24; 25; 26; 27; 28; 29; 30; 31;
32; 33; 34; 35; and 36.
- T. 29 N., R. 4 W.: Willamette Meridian
Secs. 19; 20; 21; 24; 25; 26; 27; 28; 29; 30; 32;
33; 34; 35; and 36.
- T. 30 N., R. 7 W.: Willamette Meridian
Secs. 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and
36.
- T. 30 N., R. 8 W.: Willamette Meridian
Secs. 25; 26; 27; 28; 29; 32; 33; 34; 35; and 36.

Excepting any of the above area lying within the Colonel Bob Wilderness, Buckhorn Wilderness, The Brothers Wilderness, Mt. Skokomish Wilderness, Wonder Mountain Wilderness and Olympic National Park areas.

BILLING CODE 4310-55-M

Description of OLY-2 taken Solely From
Forest Visitor's Map; Olympic National
Forest, Washington 1987.

Clallam County

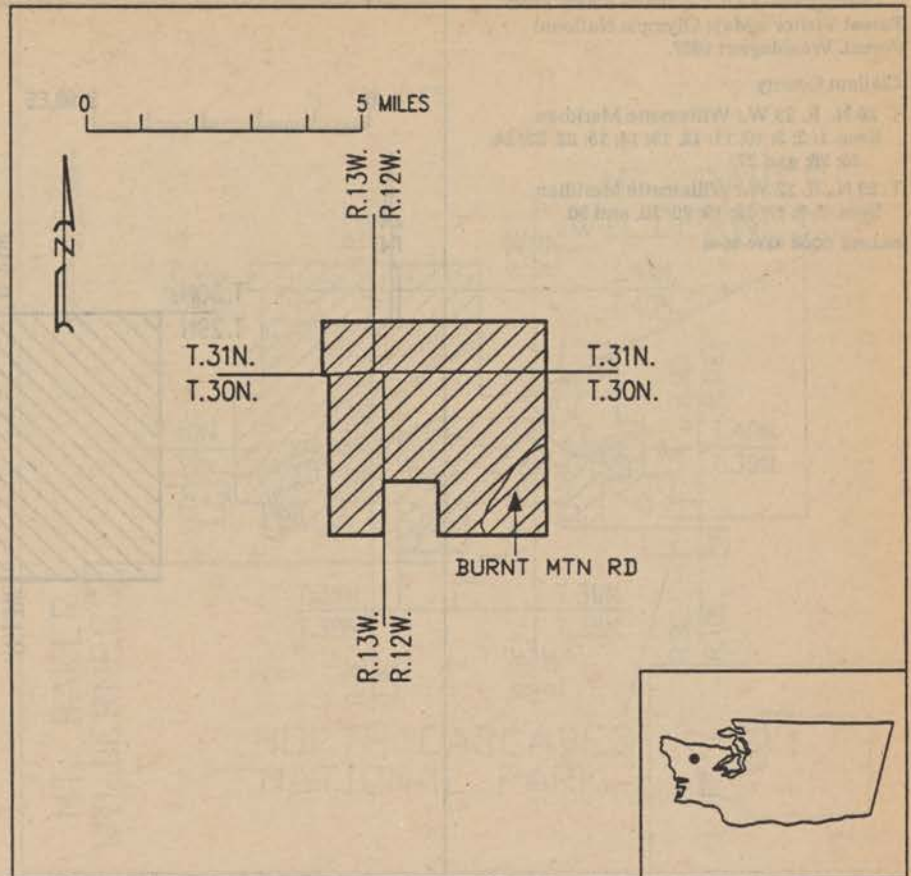
T. 31 N., R. 13 W.: Willamette Meridian
Sec. 36.

T. 31 N., R. 12 W.: Willamette Meridian
Secs. 31; 32; and 33.

T. 30 N., R. 13 W.: Willamette Meridian
Secs. 1; 12; and 13.

T. 30 N., R. 12 W.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 16; and 17.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

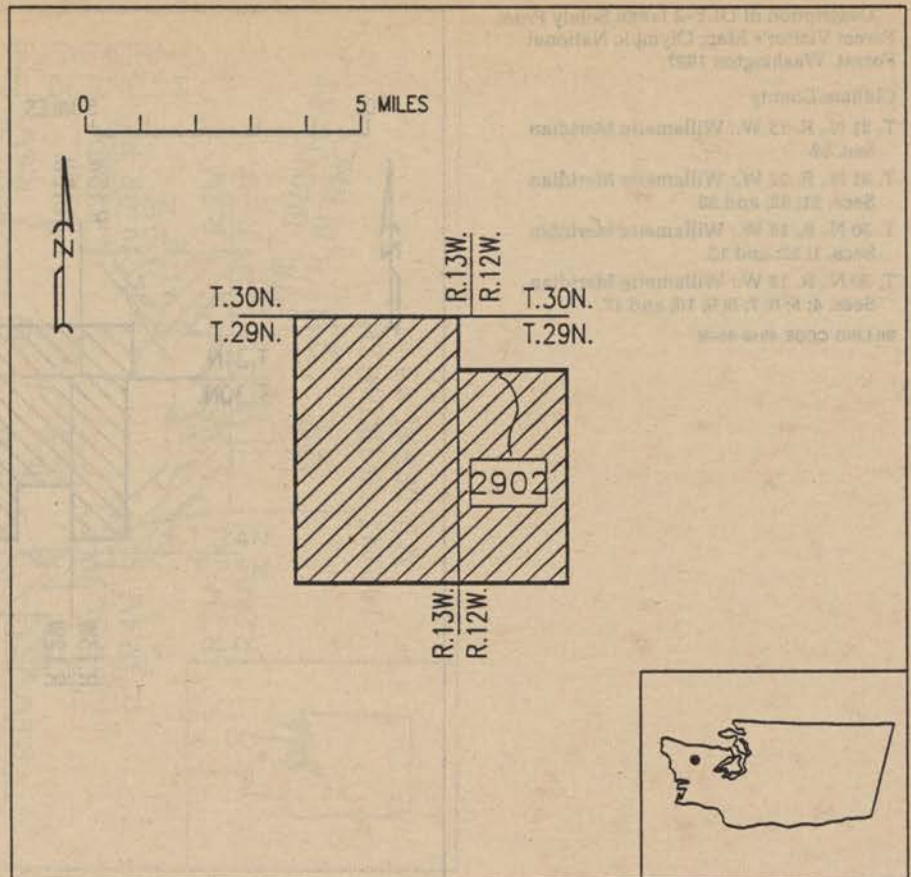
Description of OLY-3 taken Solely From
Forest Visitor's Map; Olympic National
Forest, Washington 1987.

Clallam County

T. 29 N., R. 13 W.: Willamette Meridian
Secs. 1; 2; 3; 10; 11; 12; 13; 14; 15; 22; 23; 24;
25; 26; and 27.

T. 29 N., R. 12 W.: Willamette Meridian
Secs. 7; 8; 17; 18; 19; 20; 29; and 30.

BILLING CODE 4310-55-M



OLY-3

BILLING CODE 4310-55-C

Description of SQN-1 taken Solely From Forest Visitor's Map; Mt. Baker-Snoqualmie National Forest, Washington 1988.

Whatcom County

T. 41 N., R. 7 E.: Willamette Meridian,
Secs. 32; 33; 34; 35; and 36.

T. 40 N., R. 7 E.: Willamette Meridian,
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 16; 21;
22; 23; 24; 25; 26; 27; 28; 29; 32; 33; 34; 35;
and 36.

T. 41 N., R. 8 E.: Willamette Meridian,
Secs. 31; 32; 33; and 34.

T. 40 N., R. 9 E.: Willamette Meridian,
Secs. 16; 19; 20; 21; 29; 30; 31; 32; 33; and 34.

T. 40 N., R. 8 E.: Willamette Meridian,
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 15; 16; 17; 18; 19;
20; 21; 24; 29; 30; 31; 32; 33; 34; 35; and 36.

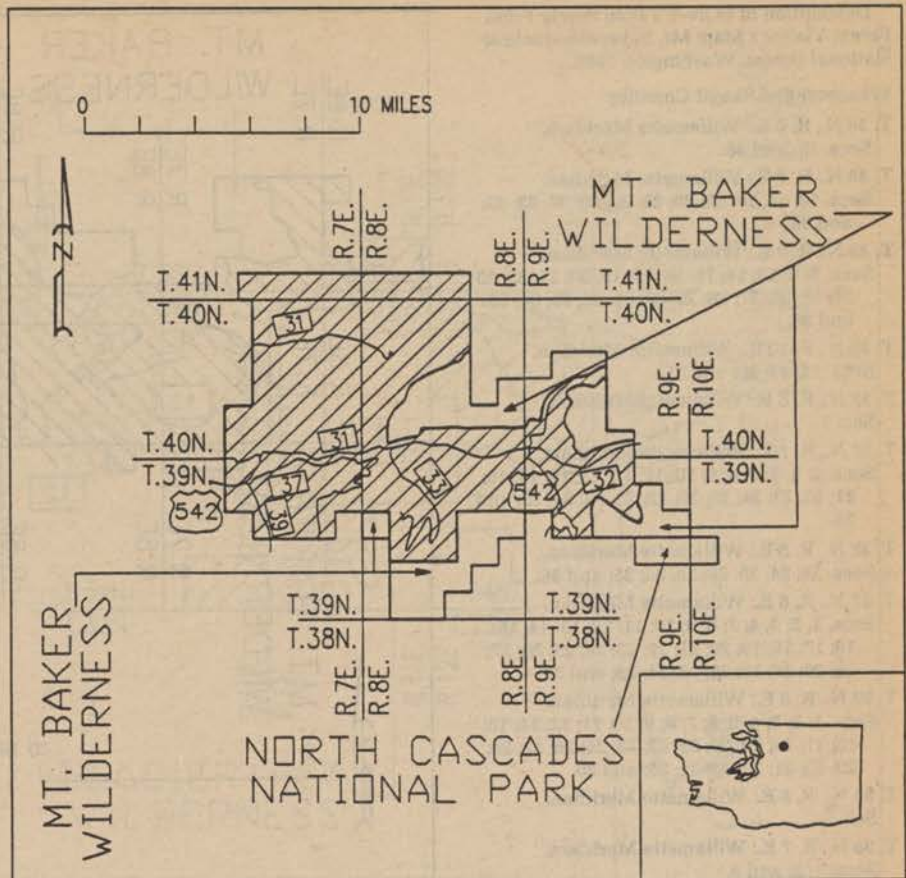
T. 39 N., R. 7 E.: Willamette Meridian,
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 14; 15; and
16.

T. 39 N., R. 8 E.: Willamette Meridian,
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 15; 16;
17; 18; 20; 21; and 22.

T. 39 N., R. 9 E.: Willamette Meridian,
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 11; 14; 15; 16; and
17.

Excepting any of the above area lying
within the Mt. Baker Wilderness area and the
North Cascades National Park.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

SQN-1

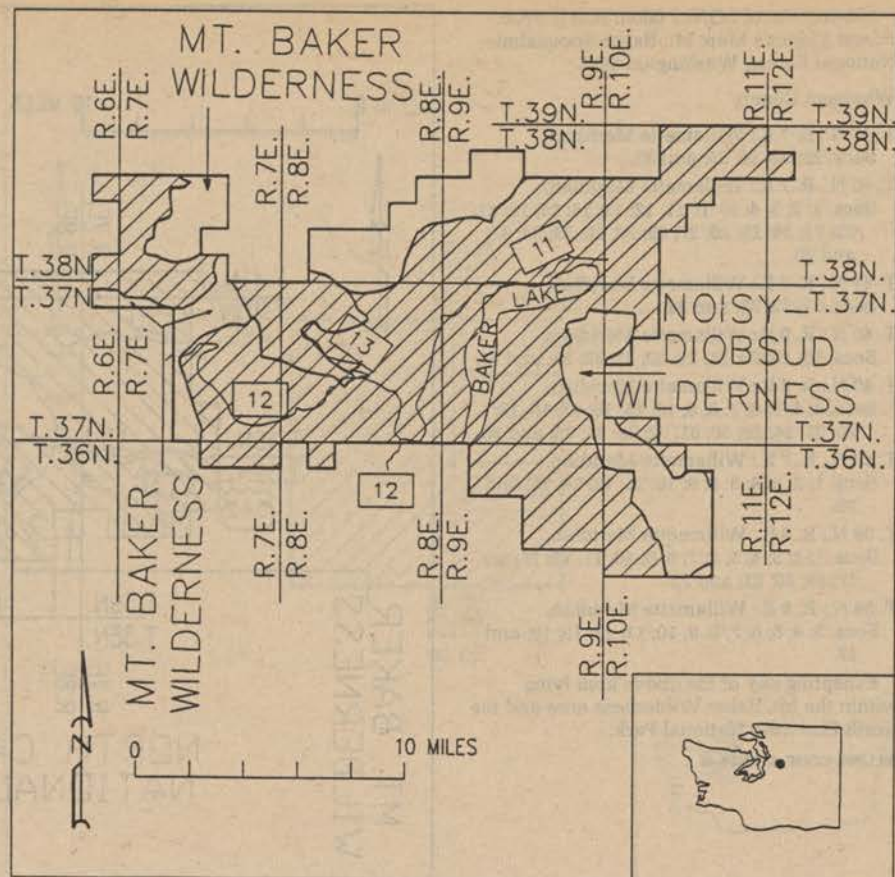
Description of SQN-2 Taken Solely From Forest Visitor's Map; Mt. Baker-Snoqualmie National Forest, Washington 1988.

Whatcom and Skagit Counties

- T. 38 N., R. 6 E.: Willamette Meridian, Secs. 13; and 36.
- T. 38 N., R. 7 E.: Willamette Meridian, Secs. 16; 17; 18; 19; 20; 28; 29; 30; 31; 32; 33; and 34.
- T. 38 N., R. 9 E.: Willamette Meridian, Secs. 8; 9; 13; 14; 15; 16; 17; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 38 N., R. 10 E.: Willamette Meridian, Secs. 18; 19; 30; and 31.
- T. 37 N., R. 6 E.: Willamette Meridian, Sec. 1.
- T. 37 N., R. 7 E.: Willamette Meridian, Secs. 2; 3; 4; 5; 6; 9; 10; 11; 12; 13; 14; 15; 16; 21; 22; 23; 24; 25; 26; 27; 28; 33; 34; 35; and 36.
- T. 38 N., R. 8 E.: Willamette Meridian, Secs. 23; 24; 25; 26; 33; 34; 35; and 36.
- T. 37 N., R. 8 E.: Willamette Meridian, Secs. 1; 2; 3; 4; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 37 N., R. 9 E.: Willamette Meridian, Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 36 N., R. 8 E.: Willamette Meridian, Sec. 5.
- T. 36 N., R. 7 E.: Willamette Meridian, Secs. 1; 2; and 3.
- T. 36 N., R. 9 E.: Willamette Meridian, Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 13; 14; 15; 22; 23; and 24.
- T. 36 N., R. 10 E.: Willamette Meridian, Secs. 5; 6; 7; 8; 17; 18; 19; 20; 21; 27; 28; 29; and 30.

Excepting any of the above area lying within the Mt. Baker Wilderness, Noisy-Diobsud Wilderness, and North Cascade National Park.

BILLING CODE 4310-55-M



SQN-2

BILLING CODE 4310-55-C

Description of SQN-3 Taken Solely From Forest Visitor's Map; Mt. Baker-Snoqualmie National Forest, Washington 1988.

Skagit County

T. 36 N., R. 11 E.: Willamette Meridian, Secs. 25; 26; 27; 33; 34; 35; and 36.

T. 35 N., R. 12 E.: Willamette Meridian, Secs. 5; 6; 7; 8; 9; 10; 11; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 25; 26; 27; 28; 29; 32; 33; 34; 35; and 36.

T. 34 N., R. 10 E.: Willamette Meridian, Secs. 12; 13; 24; 25; 26; 27; 34; 35; and 36.

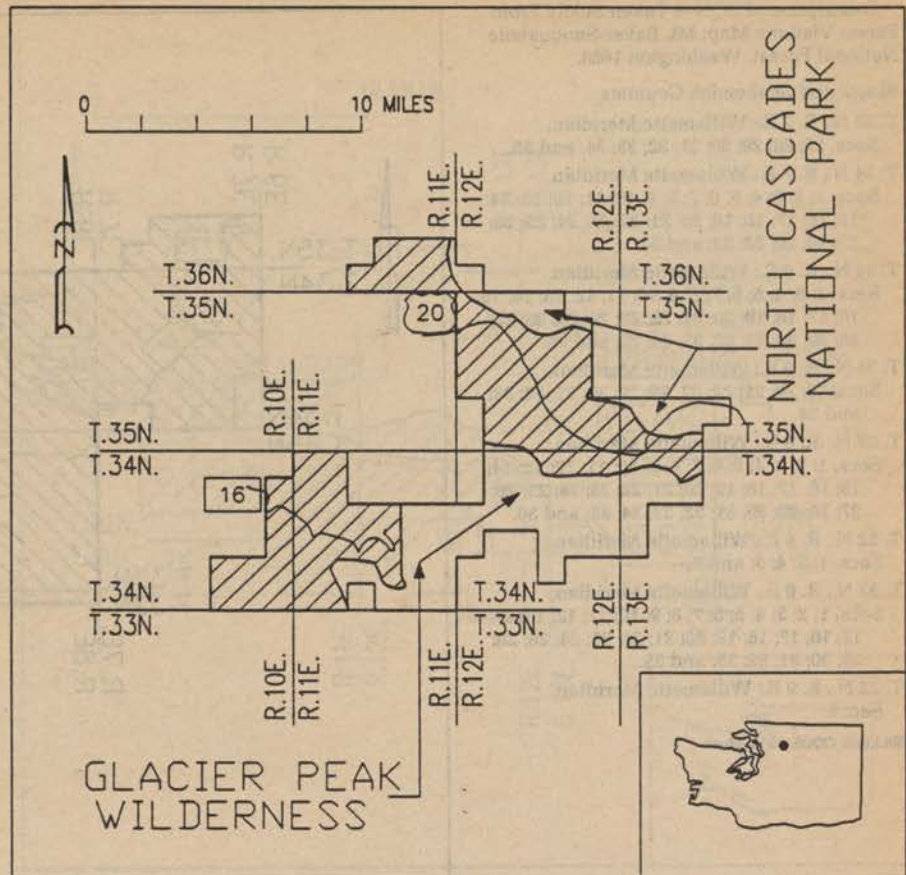
T. 34 N., R. 11 E.: Willamette Meridian, Secs. 5; 6; 7; 8; 15; 16; 17; 18; 19; 20; 21; 22; 27; 28; 29; 30; 31; 32; 34; and 35.

T. 34 N., R. 12 E.: Willamette Meridian, Secs. 1; 2; 3; 10; 11; and 12.

T. 34 N., R. 13 E.: Willamette Meridian, Secs. 4; 5; 6; 7; 8; and 9.

Excepting any of the above area lying within the North Cascade National Park and the Glacier Peak Wilderness area.

BILLING CODE 4310-55-M



SQN-3

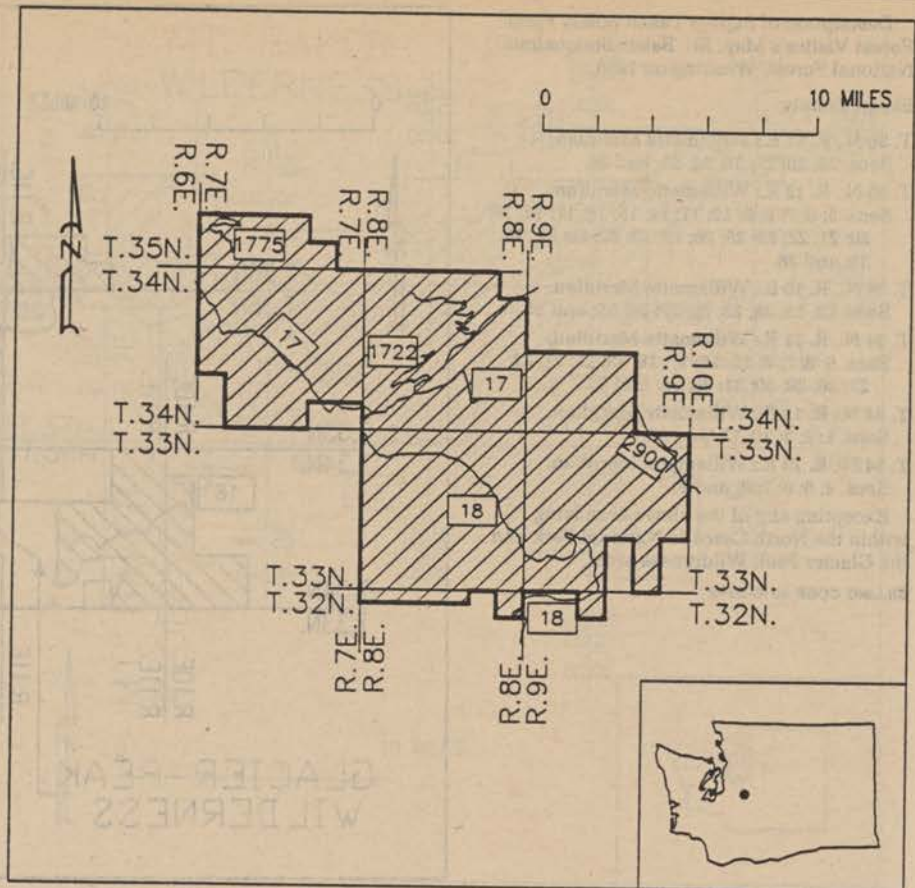
BILLING CODE 4310-55-C

Description of SQN-4 Taken Solely From
Forest Visitor's Map; Mt. Baker-Snoqualmie
National Forest, Washington 1988.

Skagit and Snohomish Counties

- T. 35 N., R. 7 E.: Willamette Meridian,
Secs. 27; 28; 29; 30; 31; 32; 33; 34; and 35.
- T. 34 N., R. 7 E.: Willamette Meridian,
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; and 34.
- T. 34 N., R. 8 E.: Willamette Meridian,
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 34 N., R. 9 E.: Willamette Meridian,
Secs. 19; 20; 21; 22; 27; 28; 29; 30; 31; 32; 33;
and 34.
- T. 33 N., R. 8 E.: Willamette Meridian,
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 32 N., R. 8 E.: Willamette Meridian,
Secs. 1; 3; 4; 5; and 6.
- T. 33 N., R. 9 E.: Willamette Meridian,
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 26; 28;
29; 30; 31; 32; 33; and 35.
- T. 32 N., R. 9 E.: Willamette Meridian,
Sec. 4.

BILLING CODE 4310-55-M



SQN-4

BILLING CODE 4310-55-C

Description of SQN-5 Taken Solely From Forest Visitor's Map; Mt. Baker-Snoqualmie National Forest, Washington 1988.

Skagit, Snohomish, and Chelan Counties

T. 32 N., R. 10 E.: Willamette Meridian,
Secs. 1; 2; 3; 10; 11; 12; 13; 14; 23; 24; 25; and 26.

T. 32 N., R. 11 E.: Willamette Meridian,
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 33; 34; 35; and 36.

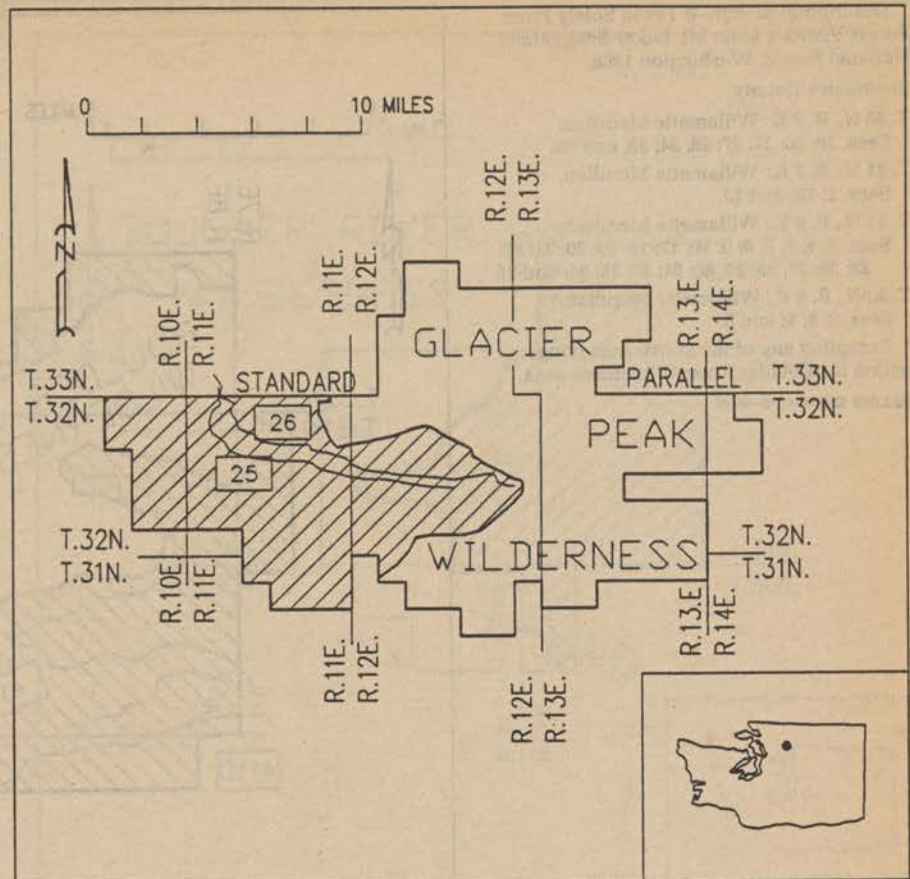
T. 31 N., R. 11 E.: Willamette Meridian,
Secs. 1; 2; 3; 4; 10; 11; and 12.

T. 32 N., R. 12 E.: Willamette Meridian,
Secs. 7; 8; 9; 10; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; and 35.

T. 31 N., R. 12 E.: Willamette Meridian,
Secs. 4; and 5.

Excepting any of the above area lying with the Glacier Peak Wilderness area.

BILLING CODE 4310-55-M



SQN-5

BILLING CODE 4310-55-C

Description of SQN-6 Taken Solely From
Forest Visitor's Map; Mt. Baker-Snoqualmie
National Forest, Washington 1988.

Snohomish County

T. 32 N., R. 8 E.: Willamette Meridian,
Secs. 19; 20; 21; 27; 28; 34; 35; and 36.

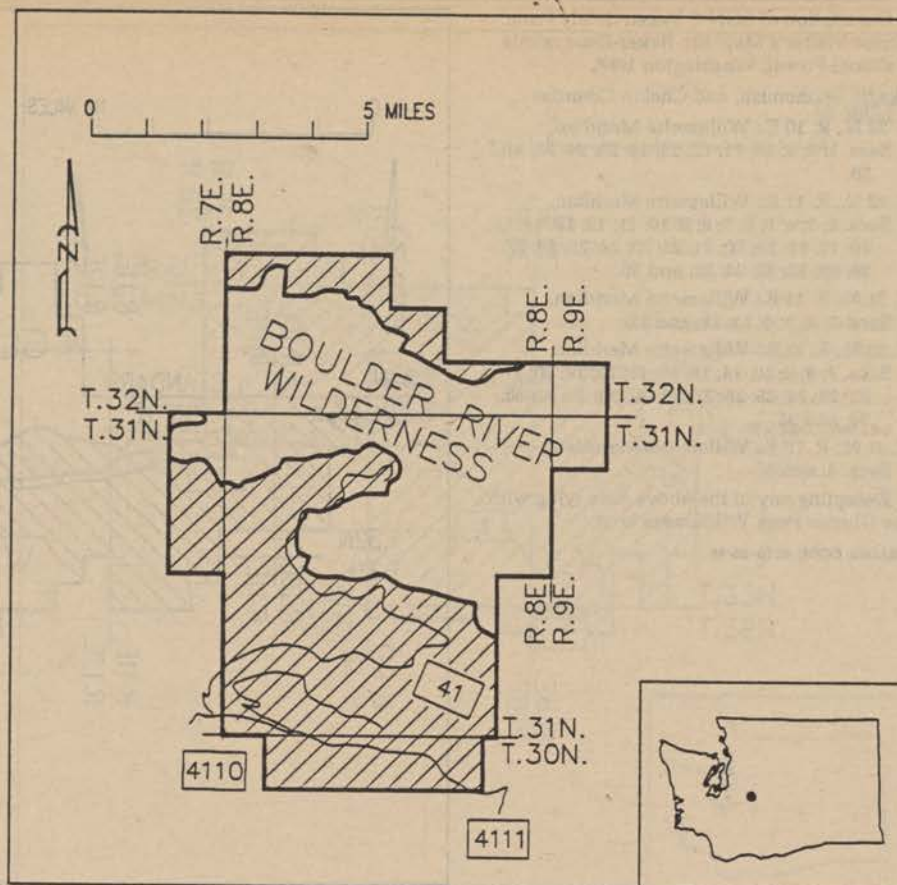
T. 31 N., R. 7 E.: Willamette Meridian,
Secs. 1; 12; and 13.

T. 31 N., R. 8 E.: Willamette Meridian,
Secs. 3; 4; 5; 7; 8; 9; 10; 17; 18; 19; 20; 21; 22;
23; 26; 27; 28; 29; 30; 31; 32; 33; 34; and 35.

T. 30 N., R. 8 E.: Willamette Meridian,
Secs. 2; 3; 4; and 5.

Excepting any of the above area lying
within the Boulder River Wilderness area.

BILLING CODE 4310-55-M



SQN-6

BILLING CODE 4310-55-C

Description of SQN-7 Taken Solely From
Forest Visitor's Map; Mt. Baker-Snoqualmie
National Forest, Washington 1988.

Snohomish County

T. 31 N., R. 10 E.: Willamette Meridian,
Secs. 7; 8; 17; 18; 19; 20; 21; 28; 29; 30; 31; 32;
and 33.

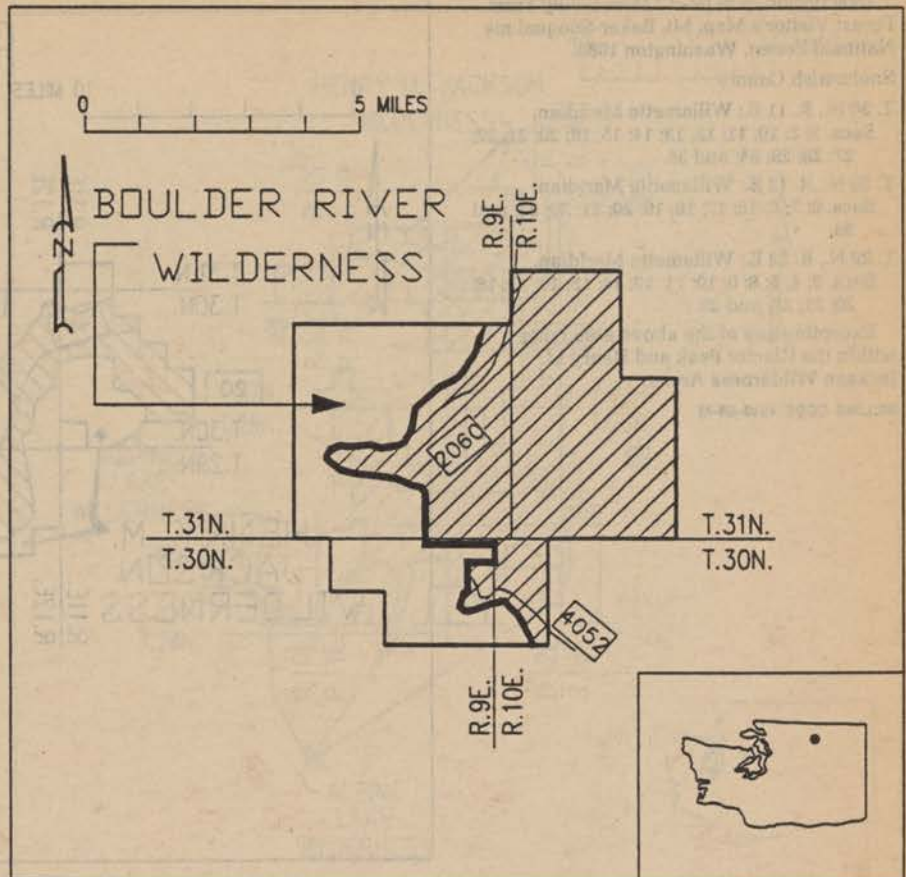
T. 31 N., R. 9 E.: Willamette Meridian,
Secs. 13; 23; 24; 25; 26; 27; 28; 35; and 36.

T. 30 N., R. 10 E.: Willamette Meridian,
Secs. 6; and 7.

T. 30 N., R. 9 E.: Willamette Meridian,
Secs. 1; 2; and 12.

Excepting any of the above area lying
within the Boulder River Wilderness area.

BILLING CODE 4310-55-M



SQN-7

BILLING CODE 4310-55-C

Description of SQN-8 Taken Solely From
Forest Visitor's Map; Mt. Baker-Snoqualmie
National Forest, Washington 1988.

Snohomish County

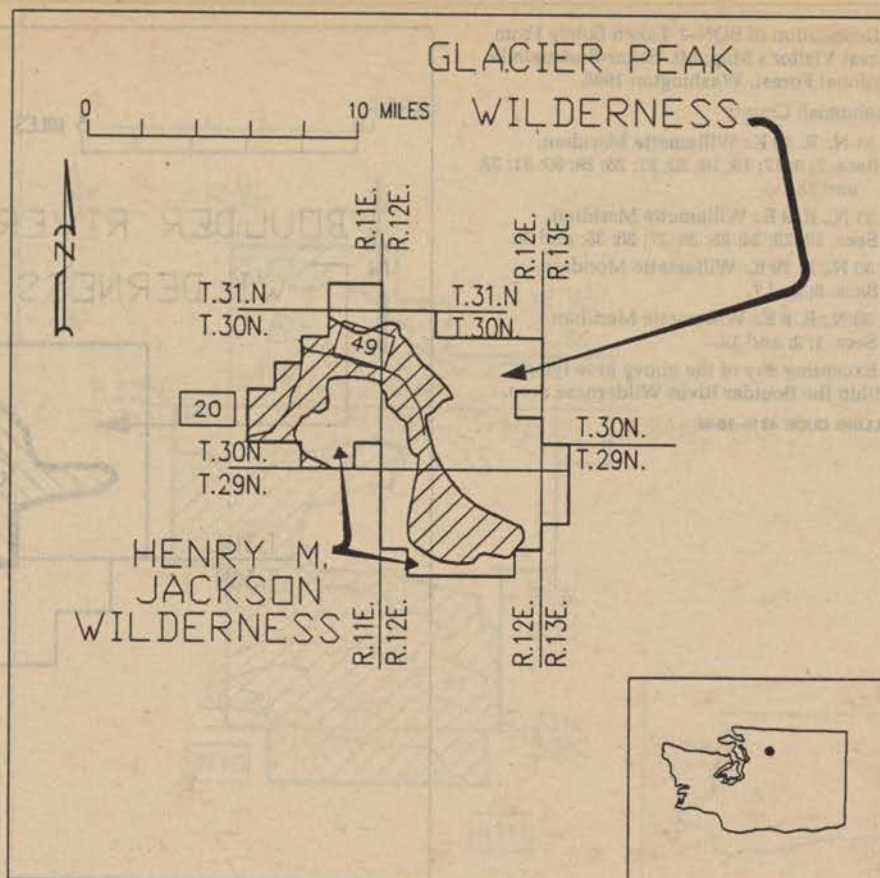
T. 30 N., R. 11 E.: Willamette Meridian,
Secs. 1; 2; 10; 11; 12; 13; 14; 15; 16; 20; 21; 22;
27; 28; 29; 34; and 35.

T. 30 N., R. 12 E.: Willamette Meridian,
Secs. 6; 7; 8; 16; 17; 18; 19; 20; 21; 29; 32; and
33.

T. 29 N., R. 12 E.: Willamette Meridian,
Secs. 3; 4; 5; 8; 9; 10; 11; 13; 14; 15; 16; 17; 18;
20; 21; 22; and 23.

Excepting any of the above area lying
within the Glacier Peak and Henry M.
Jackson Wilderness Areas.

BILLING CODE 4310-55-M



SQN-8

BILLING CODE 4310-55-C

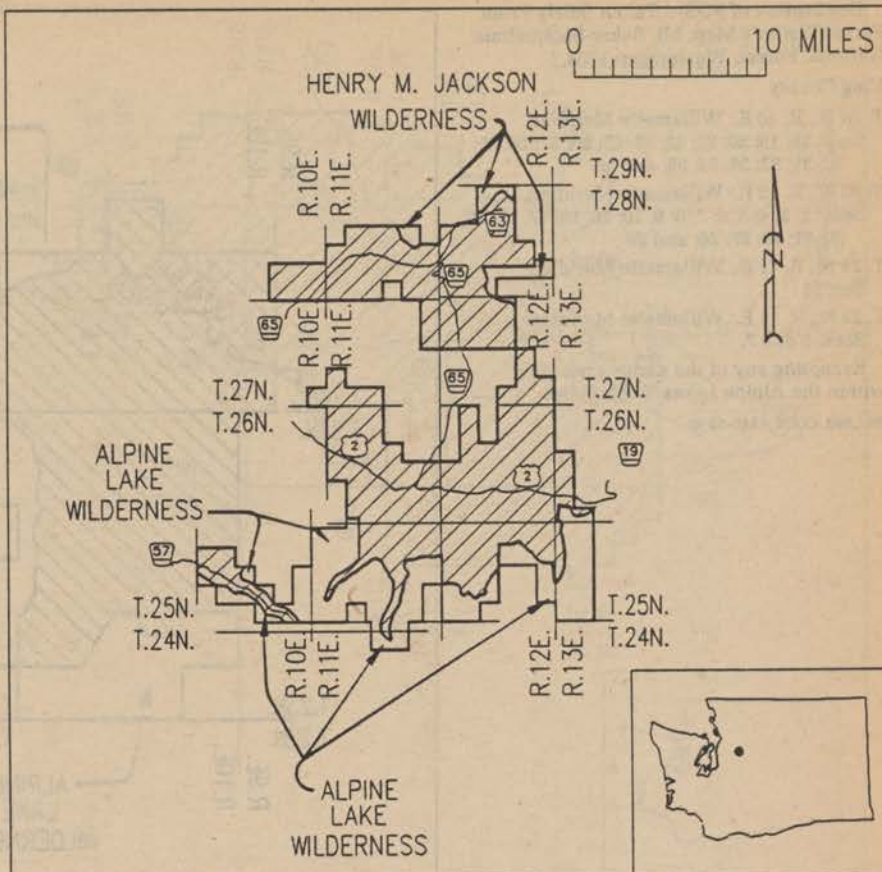
Description of SQS-1 Taken Solely From
Forest Visitor's Map; Mt. Baker-Snoqualmie
National Forest, Washington 1988.

Snohomish and King Counties

- T. 28 N., R. 10 E.: Willamette Meridian,
Secs. 25; 26; 27; 34; 35; and 36.
- T. 28 N., R. 11 E.: Willamette Meridian,
Secs. 14; 15; 16; 17; 19; 20; 21; 22; 23; 24; 25;
26; 27; 28; 29; 30; 31; 32; 33; 35; and 36.
- T. 28 N., R. 12 E.: Willamette Meridian,
Secs. 3; 4; 9; 10; 15; 16; 17; 18; 19; 20; 21; 22;
23; 26; 27; 28; 29; 30; 31; 32; and 33.
- T. 27 N., R. 12 E.: Willamette Meridian,
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 15; 16; 17; 18; 23;
25; 28; 34; 35; and 36.
- T. 27 N., R. 11 E.: Willamette Meridian,
Secs. 1; 12; 13; 30; 31; 32; and 33.
- T. 26 N., R. 11 E.: Willamette Meridian,
Secs. 4; 5; 6; 7; 8; 9; 15; 16; 17; 18; 19; 20; 21;
22; 23; 24; 25; 26; 27; 28; 29; 32; 33; 34; 35;
and 36.
- T. 25 N., R. 11 E.: Willamette Meridian,
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 16; 17;
19; 20; 22; 23; 26; 27; 30; 33; and 34.
- T. 25 N., R. 10 E.: Willamette Meridian,
Secs. 7; 8; 13; 16; 17; 18; 20; 21; 22; 24; 25; 26;
and 27.
- T. 25 N., R. 12 E.: Willamette Meridian,
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
16; 17; 18; 19; 20; 21; 28; 29; and 30.
- T. 26 N., R. 13 E.: Willamette Meridian,
Secs. 18; 19; 30; 31; and 32.
- T. 25 N., R. 13 E.: Willamette Meridian,
Secs. 6; 7; 18; and 19.
- T. 24 N., R. 11 E.: Willamette Meridian,
Secs. 2; and 3.
- T. 24 1/2 N., R. 11 E.: Willamette Meridian
Secs. 34; and 35.
- T. 27 N., R. 10 E.: Willamette Meridian
Sec 36.
- T. 27 N., R. 12 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 10; 11; 12; 13; 14; 15;
16; 17; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28;
29; 30; 31; 32; 33; 34; 35; and 36.

Excepting any of the above area lying
within the Henry M. Jackson and Alpine Lake
Wilderness Areas.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

Description of SQS-2 Taken Solely From Forest Visitor's Map; Mt. Baker-Snoqualmie National Forest, Washington 1988.

King County

T. 24 N., R. 10 E.: Willamette Meridian,
Secs. 16; 19; 20; 21; 22; 23; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.

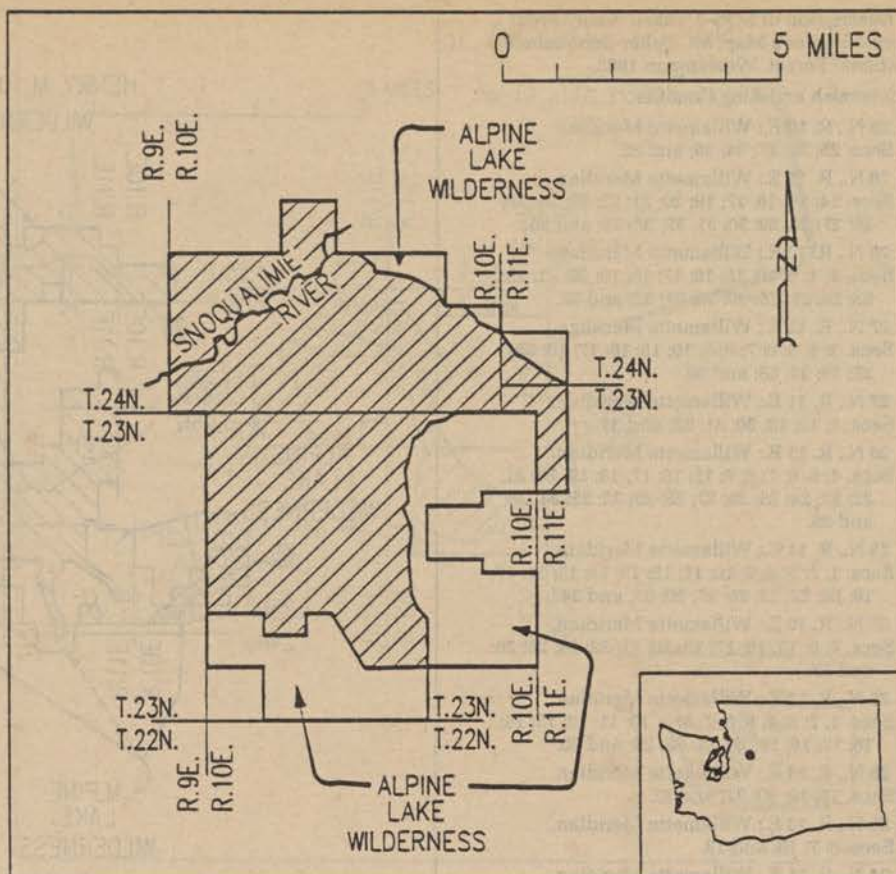
T. 23 N., R. 10 E.: Willamette Meridian,
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 15; 16; 17; 18; 19;
20; 21; 22; 27; 28; and 29.

T. 24 N., R. 11 E.: Willamette Meridian
Sec. 31

T. 23 N., R. 11 E.: Willamette Meridian
Secs. 6 and 7.

Excepting any of the above area lying
within the Alpine Lakes Wilderness.

BILLING CODE 4310-55-M



SQS-2

BILLING CODE 4310-55-C

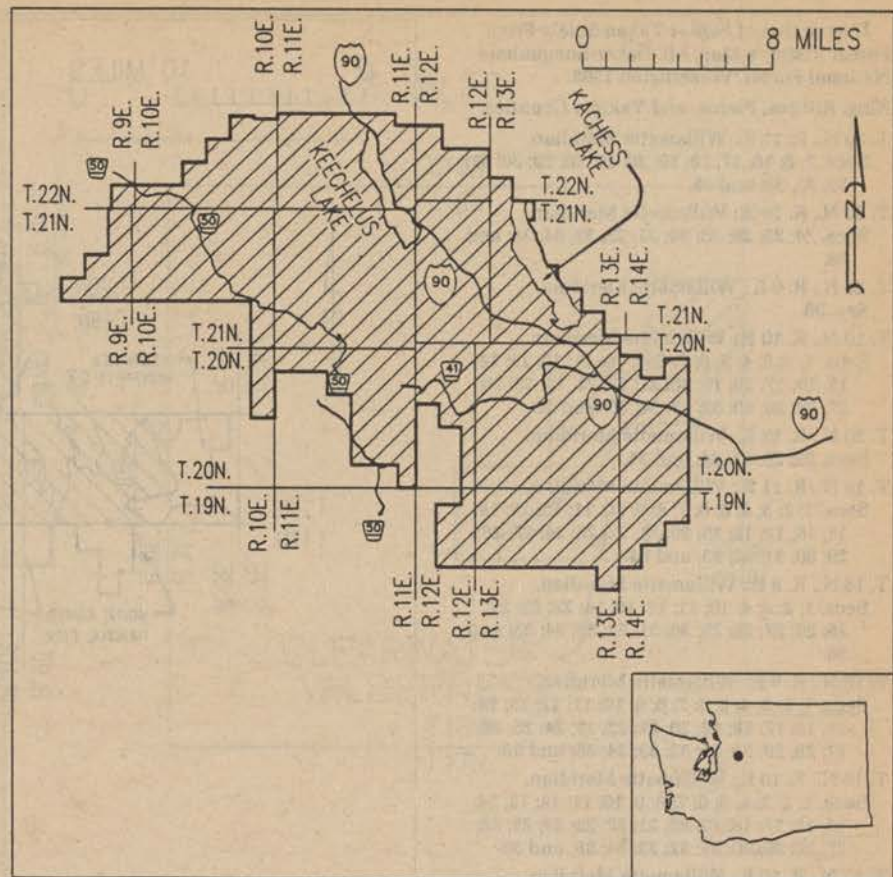
Description of SQS-3 Taken Solely From Forest Visitor's Map: Mt. Baker-Snoqualmie National Forest, Washington 1988.

King and Kittitas Counties

- T. 22 N., R. 10 E.: Willamette Meridian,
Secs. 13; 14; 22; 23; 24; 25; 26; 27; 28; 31; 32;
33; 34; 35; and 36.
- T. 22 N., R. 11 E.: Willamette Meridian,
Secs. 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24;
25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and
36.
- T. 21 N., R. 9 E.: Willamette Meridian,
Sec. 1; 12; 13; 14; 22; 23; and 24.
- T. 21 N., R. 10 E.: Willamette Meridian,
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; and
36.
- T. 21 N., R. 11 E.: Willamette Meridian,
Secs. 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 20 N., R. 10 E.: Willamette Meridian,
Secs. 1; 12; and 13.
- T. 20 N., R. 11 E.: Willamette Meridian,
Sec. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 22; 23; 24; 25; 26; 27; and 36.
- T. 20 N., R. 14 E.: Willamette Meridian,
Sec. 7; 9; 16; 17; 18; 19; 20; 21; 28; 29; 30; 31;
32; and 33.
- T. 20 N., R. 13 E.: Willamette Meridian,
Sec. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 19 N., R. 13 E.: Willamette Meridian,
Sec. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; and 25.
- T. 19 N., R. 12 E.: Willamette Meridian,
Sec. 1; 11; 12; 13; 14; 23; and 24.
- T. 19 N., R. 14 E.: Willamette Meridian,
Sec. 4; 5; 6; 7; 8; 9; 17; 18; and 19.
- T. 20 N., R. 12 E.: Willamette Meridian,
Sec. 1; 2; 3; 10; 11; 12; 13; 14; 15; 23; 24; 25;
and 36.
- T. 21 N., R. 13 E.: Willamette Meridian,
Sec. 5; 6; 7; 8; 17; 18; 19; 20; 28; 29; 30; 31; 32;
33; 34; and 35.
- T. 22 N., R. 13 E.: Willamette Meridian,
Sec. 31.
- T. 22 N., R. 12 E.: Willamette Meridian,
Sec. 25; 26; 27; 34; 35; and 36.
- T. 21 N., R. 12 E.: Willamette Meridian,
Sec. 1; 2; 3; 10; 11; 12; 13; 14; 15; 22; 23; 24;
25; 26; 27; 35; and 36.
- T. 21 N., R. 11 E.: Willamette Meridian,
Sec. 21; 22; 23; 24; and 25.
- T. 22 N., R. 9 E.: Willamette Meridian,
Sec. 36.
- T. 22 N., R. 11 E.: Willamette Meridian,
Sec. 13; 14; 15; 16; 17; 21; 22; 23; 24; 25; 26;
35; and 36.

Excepting any of the areas lying within the Keechelus and the Kachess Lakes.

BILLING CODE 4310-55-M



SQS-3

BILLING CODE 4310-55-C

Description of SQS-4 Taken Solely From Forest Visitor's Map; Mt. Baker-Snoqualmie National Forest, Washington 1988.

King, Kittitas, Pierce, and Yakima Counties.

T. 20 N., R. 11 E.: Willamette Meridian,
Secs. 7; 8; 16; 17; 18; 19; 20; 21; 28; 29; 30; 31;
32; 33; 34; and 35.

T. 20 N., R. 10 E.: Willamette Meridian,
Secs. 24; 25; 26; 28; 30; 31; 32; 33; 34; 35; and
36.

T. 20 N., R. 9 E.: Willamette Meridian,
Sec. 36.

T. 19 N., R. 10 E.: Willamette Meridian,
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 32; 33; 34; 35; and 36.

T. 20 N., R. 12 E.: Willamette Meridian,
Secs. 22; 26; 27; 33; and 34.

T. 19 N., R. 11 E.: Willamette Meridian,
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 27; 28;
29; 30; 31; 32; 33; and 34.

T. 18 N., R. 8 E.: Willamette Meridian,
Secs. 1; 2; 3; 4; 10; 11; 12; 13; 14; 22; 23; 24;
25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and
36.

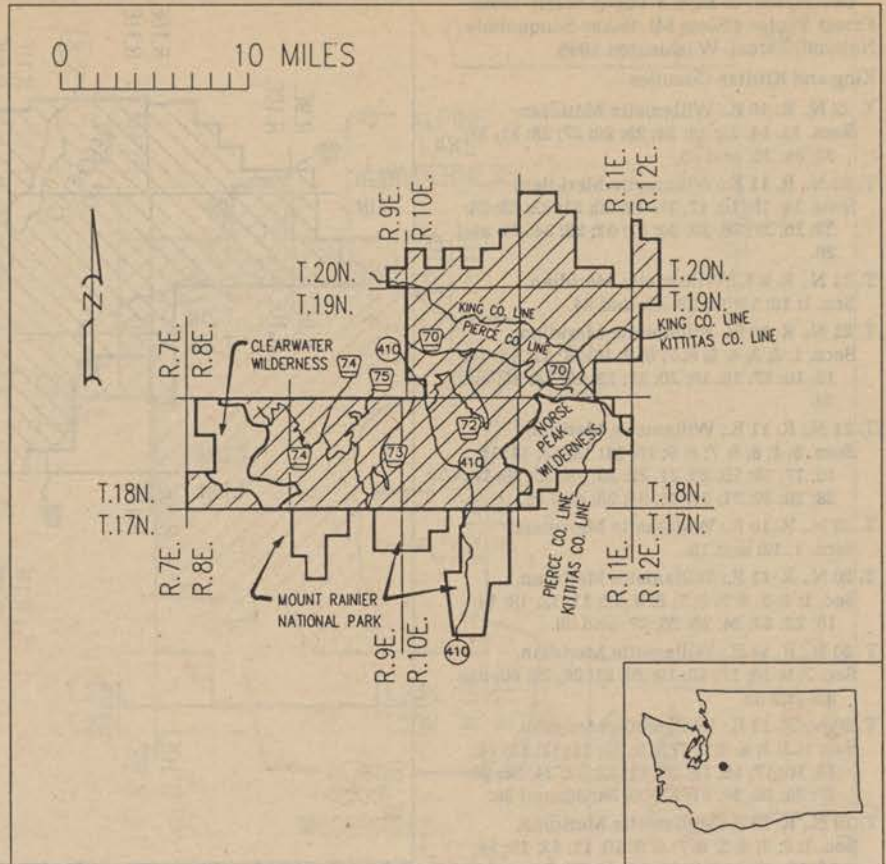
T. 18 N., R. 9 E.: Willamette Meridian,
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 18 N., R. 10 E.: Willamette Meridian,
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 17 N., R. 10 E.: Willamette Meridian,
Secs. 2; 3; 10; 11; 14; and 23.

Excepting any of the above area lying within the Norse Peak and Clearwater Wilderness areas and Mount Rainier National Park.

BILLING CODE 4310-55-M



SQS-4

BILLING CODE 4310-55-C

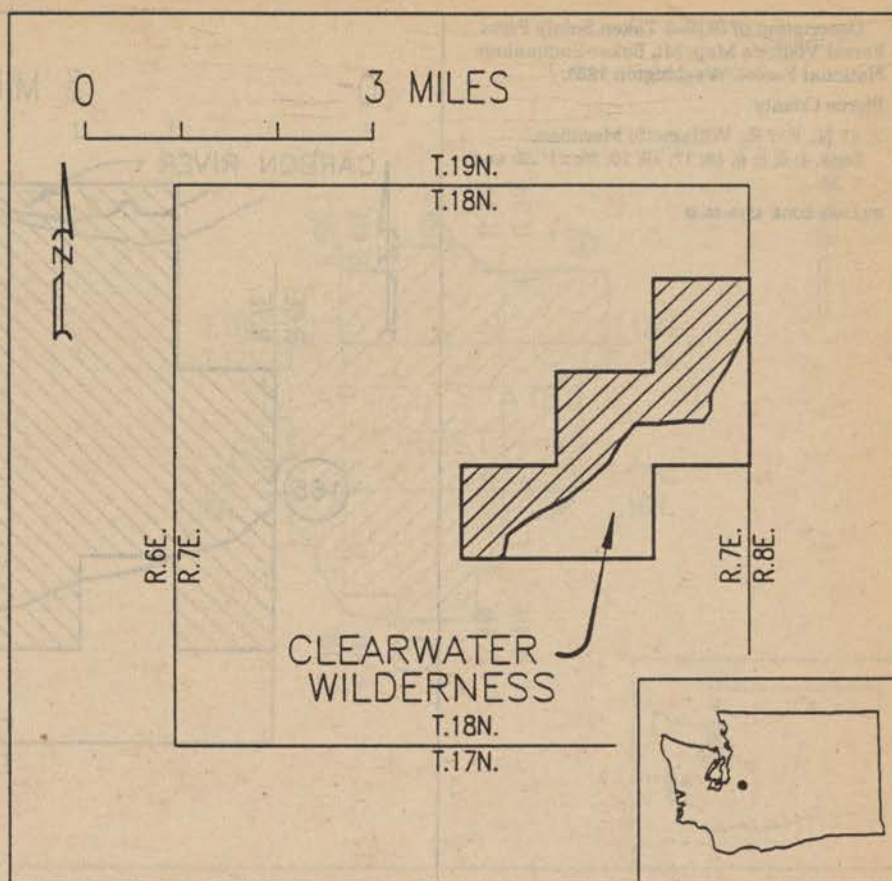
Description of SQS-5 Taken Solely From
Forest Visitor's Map; Mt. Baker-Snoqualmie
National Forest, Washington 1988.

Pierce County

T. 18 N., R. 7 E.: Willamette Meridian,
Secs. 12; 13; 14; 22; and 23.

Excepting any of the above area lying
within the Clearwater Wilderness Area.

BILLING CODE 4310-55-M



SQS-5

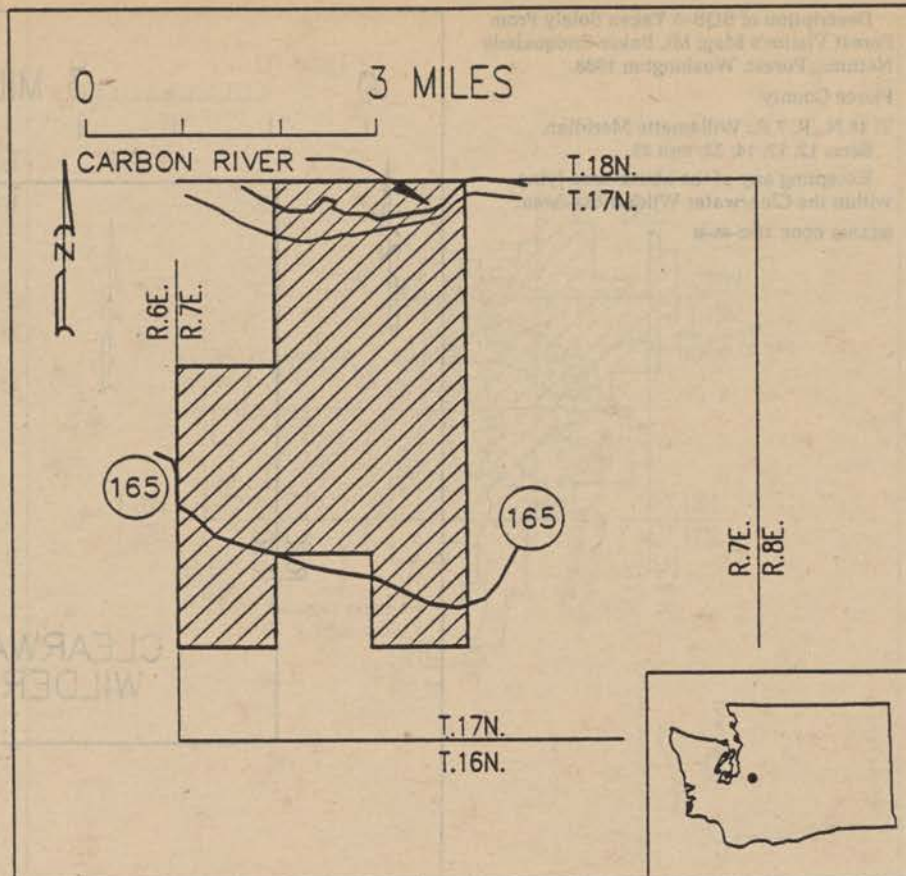
BILLING CODE 4310-55-C

Description of SQS-6 Taken Solely From
Forest Visitor's Map; Mt. Baker-Snoqualmie
National Forest, Washington 1988.

Pierce County

T. 17 N., R. 7 E.: Willamette Meridian,
Secs. 4; 5; 8; 9; 16; 17; 18; 19; 20; 21; 28; and
30.

BILLING CODE 4310-55-M



SQS-6

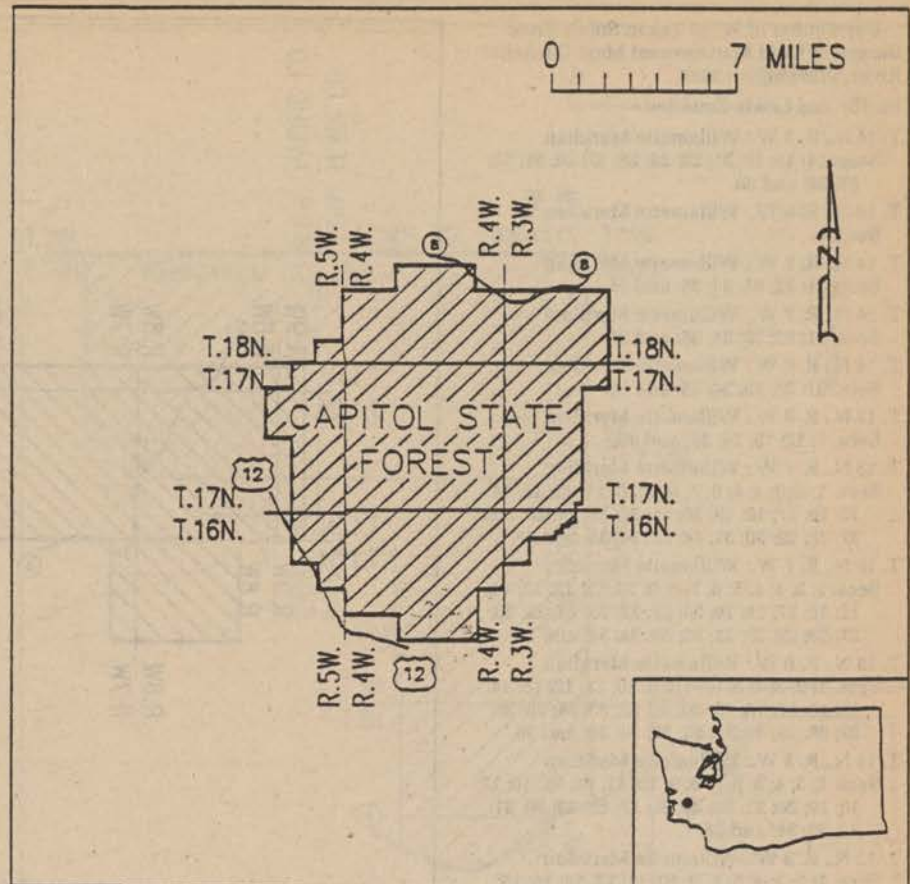
BILLING CODE 4310-55-C

Description of W-39 Taken Solely From Bureau of Land Management Map, Chehalis River Washington 1979, and U.S. Geological Survey Map, Shelton, Washington 1988.

Gray's Harbor and Thurston Counties

- T. 17 N., R. 5 W.: Willamette Meridian
Secs. 1; 2; 10; 11; 12; 13; 14; 15; 23; 24; 25; 26; 35; and 36.
- T. 16 N., R. 5 W.: Willamette Meridian
Secs. 1; 2; 11; 12; and 13.
- T. 17 N., R. 4 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 16 N., R. 4 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 26; 27; and 28.
- T. 17 N., R. 3 W.: Willamette Meridian
Secs. 3; 4; 5; 6; 7; 8; 9; 16; 17; 18; 19; 20; 21; 28; 29; 30; 31; 32; and 33.
- T. 16 N., R. 3 W.: Willamette Meridian
Secs. 4; 5; 6; and 7.
- T. 18 N., R. 5 W.: Willamette Meridian
Sec. 36.
- T. 18 N., R. 4 W.: Willamette Meridian
Secs. 14; 15; 16; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 18 N., R. 3 W.: Willamette Meridian
Secs. 19; 20; 21; 22; 27; 28; 29; 30; 31; 32; 33; and 34.

BILLING CODE 4310-55-M



W-39

BILLING CODE 4310-55-C

Description of W-40 Taken Solely From
Bureau of Land Management Map; Chehalis
River, Washington 1979.

Pacific and Lewis Counties

T. 14 N., R. 5 W.: Willamette Meridian
Secs. 14; 15; 16; 21; 22; 23; 26; 27; 28; 31; 32;
33; 34; and 35.

T. 14 N., R. 9 W.: Willamette Meridian
Sec. 36.

T. 14 N., R. 8 W.: Willamette Meridian
Secs. 31; 32; 33; 34; 35; and 36.

T. 14 N., R. 7 W.: Willamette Meridian
Secs. 31; 32; 33; 34; 35; and 36.

T. 14 N., R. 6 W.: Willamette Meridian
Secs. 31; 32; 33; 34; 35; and 36.

T. 13 N., R. 9 W.: Willamette Meridian
Secs. 1; 12; 13; 24; 25; and 36.

T. 13 N., R. 8 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

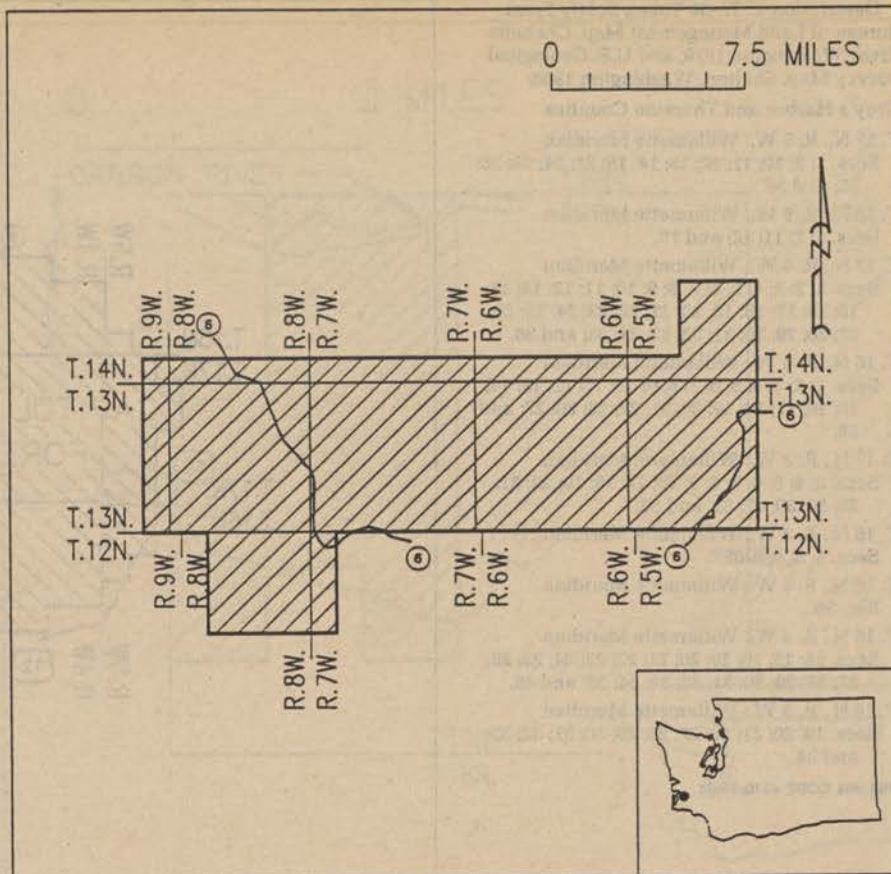
T. 13 N., R. 7 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 13 N., R. 6 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 13 N., R. 5 W.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 14; 15; 16; 17;
18; 19; 20; 21; 22; 23; 26; 27; 28; 29; 30; 31;
32; 33; 34; and 35.

T. 12 N., R. 8 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 8; 9; 10; 11; 12; 13; 14; 15;
16; and 17.

BILLING CODE 4310-55-M



W-40

BILLING CODE 4310-55-C

Description of W-41 Taken Solely From
Bureau of Land Management Map; Astoria,
Washington 1981.

Wahkiakum County

T. 10 N., R. 6 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 33; 34; 35; and 36.

T. 9 N., R. 6 W.: Willamette Meridian
Secs. 1; 2; and 3.

T. 10 N., R. 5 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.

T. 9 N., R. 5 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 21; 22; 23; 24; 25; 26; 27; 28; 33; 34;
35; and 36.

T. 8 N., R. 5 W.: Willamette Meridian
Secs. 1; 2; 3; 4; 9; 10; 11; 12; 13; 14; 15; 16; 21;
22; 23; 24; 26; 27; and 28.

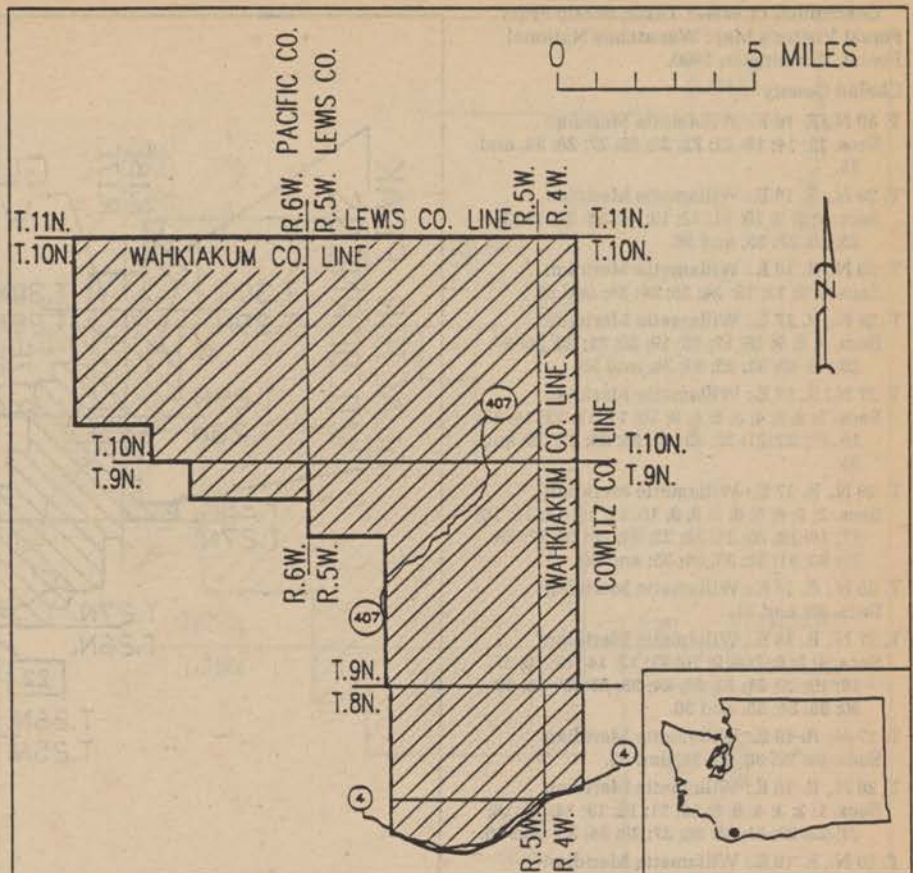
T. 10 N., R. 4 W.: Willamette Meridian
Secs. 6; 7; 18; 19; 20; 30; and 31.

T. 9 N., R. 4 W.: Willamette Meridian
Secs. 6; 7; 18; 19; 30; and 31.

T. 8 N., R. 4 W.: Willamette Meridian
Secs. 6; 7; and 18.

Excepting any of the above area lying
within the Columbia River.

BILLING CODE 4310-55-M



W-41

BILLING CODE 4310-55-C

Description of WN-1 Taken Solely From
Forest Visitor's Map: Wenatchee National
Forest, Washington 1990.

Chelan County

T. 30 N., R. 16 E.: Willamette Meridian
Secs. 11; 14; 15; 21; 22; 23; 26; 27; 28; 34; and
35.

T. 29 N., R. 16 E.: Willamette Meridian
Secs. 1; 2; 3; 10; 11; 12; 13; 14; 15; 22; 23; 24;
25; 26; 27; 35; and 36.

T. 28 N., R. 16 E.: Willamette Meridian
Secs. 1; 2; 12; 13; 24; 25; 34; 35; and 36.

T. 29 N., R. 17 E.: Willamette Meridian
Secs. 7; 8; 9; 16; 17; 18; 19; 20; 21; 22; 26; 27;
28; 29; 30; 31; 32; 33; 34; and 35.

T. 27 N., R. 17 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 20; 21; 22; 23; 24; 25; 26; 27; 35; and
36.

T. 28 N., R. 17 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 13; 14; 15; 16;
17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28;
29; 30; 31; 32; 33; 34; and 35.

T. 28 N., R. 18 E.: Willamette Meridian
Secs. 30; and 31.

T. 27 N., R. 18 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 10; 11; 13; 14; 15; 16; 17;
18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 33; 34; 35; and 36.

T. 27 N., R. 19 E.: Willamette Meridian
Secs. 19; 29; 30; 31; 32; and 33.

T. 26 N., R. 18 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 8; 9; 10; 11; 12; 13; 14; 15; 16;
21; 22; 23; 24; 25; 26; 27; 28; 34; 35; and 36.

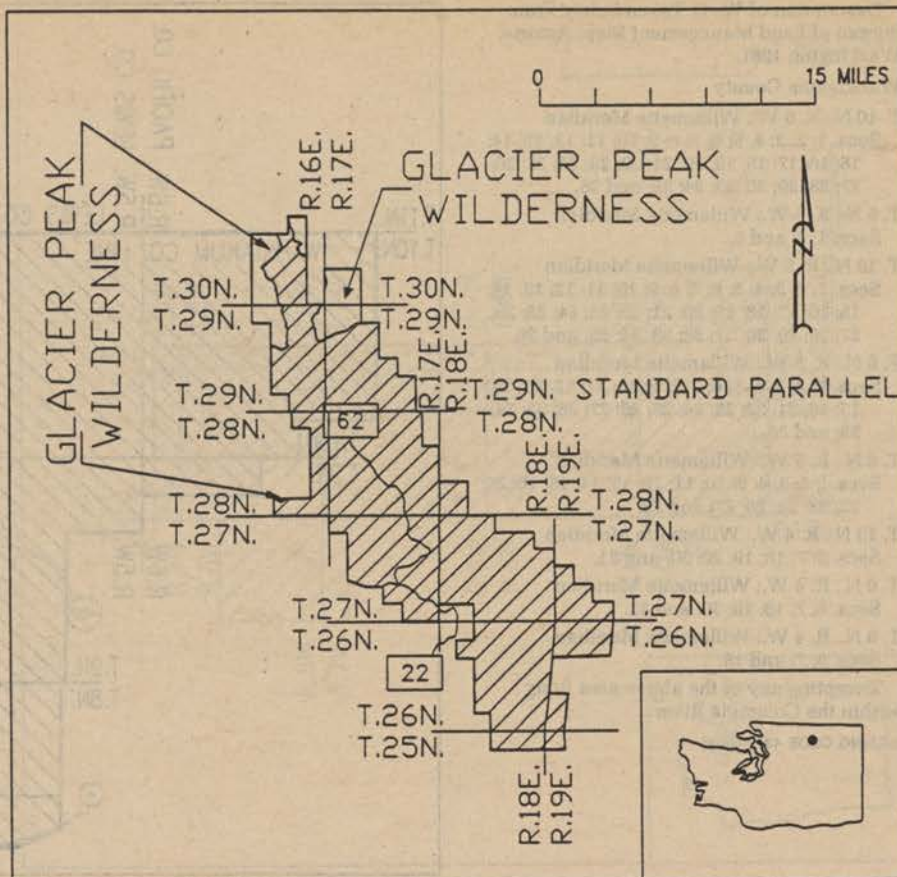
T. 26 N., R. 19 E.: Willamette Meridian
Secs. 4; 5; 6; 7; 8; 9; 30; and 31.

T. 25 N., R. 18 E.: Willamette Meridian
Secs. 1; 2; and 3.

T. 25 N., R. 19 E.: Willamette Meridian
Sec. 6.

Except any of the above area lying within
the Glacier Peak Wilderness area.

BILLING CODE 4310-55-M



WN-1

BILLING CODE 4310-55-C

Description of WN-2 Taken Solely From
Forest Visitor's Map; Wenatchee National
Forest, Washington 1990.

Chelan County

T. 30 N., R. 17 E.: Willamette Meridian
Sec. 36.

T. 30 N., R. 18 E.: Willamette Meridian
Secs. 27; 28; 29; 30; 31; 32; 33; and 34.

T. 29 N., R. 17 E.: Willamette Meridian
Secs. 1; and 12.

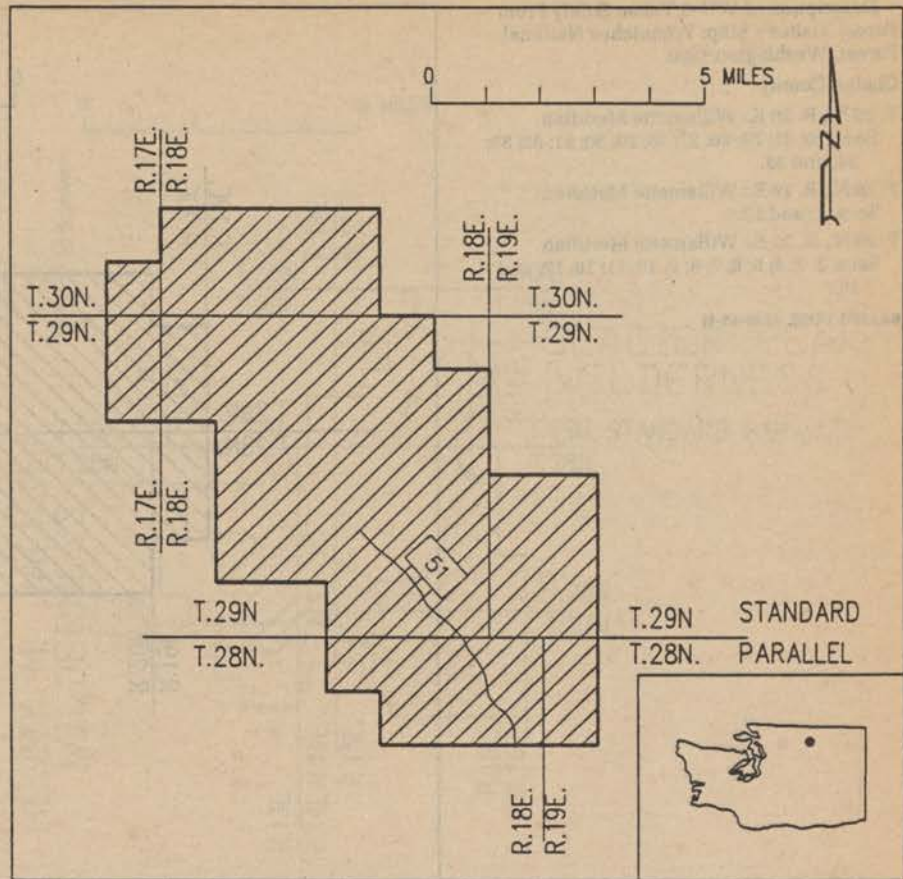
T. 29 N., R. 18 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
34; 35; and 36.

T. 29 N., R. 19 E.: Willamette Meridian
Secs. 19; 20; 29; 30; 31; and 32.

T. 28 N., R. 18 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 10; 11; and 12.

T. 28 N., R. 19 E.: Willamette Meridian
Secs. 6; and 7.

BILLING CODE 4310-55-M



WN-2

BILLING CODE 4310-55-C

Description of WN-3 Taken Solely From
Forest Visitor's Map; Wenatchee National
Forest, Washington 1990.

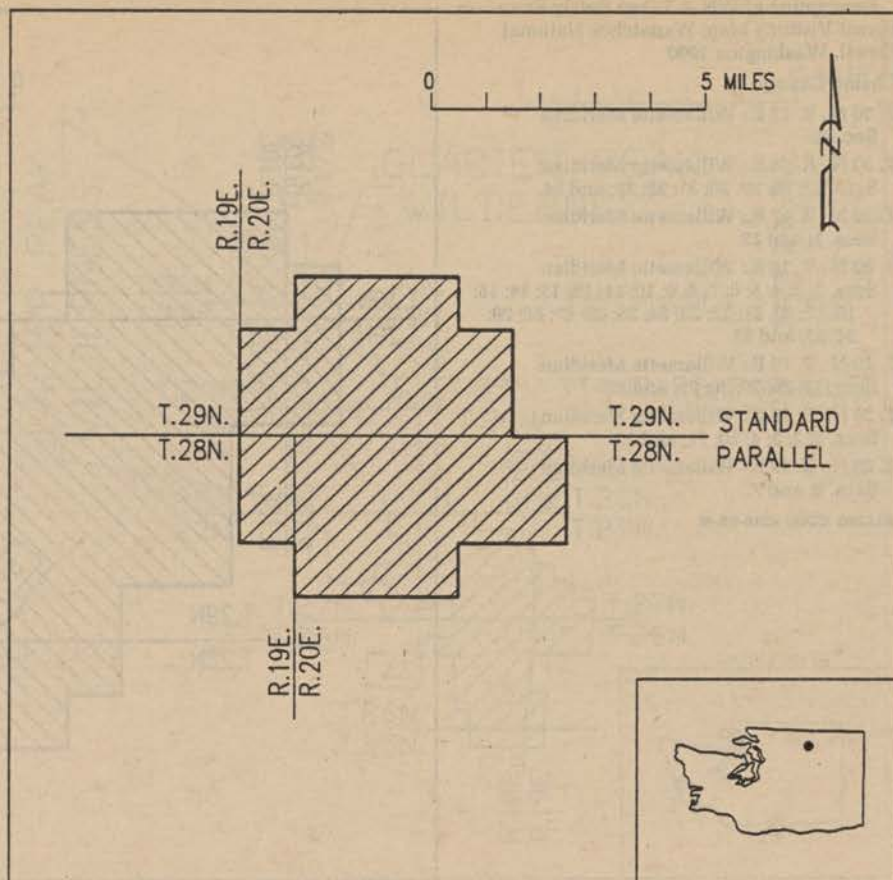
Chelan County

T. 29 N., R. 20 E.: Willamette Meridian
Secs. 20; 21; 22; 26; 27; 28; 29; 30; 31; 32; 33;
34; and 35.

T. 28 N., R. 19 E.: Willamette Meridian
Secs. 1; and 12.

T. 28 N., R. 20 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 16; 17; and
18.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

WN-3

Description of WN-4 Taken Solely From Forest Visitor's Map; Wenatchee National Forest, Washington 1990.

Chelan and Snohomish Counties

T. 28 N., R. 13 E.: Willamette Meridian
Secs. 13; 14; 15; 16; 21; 22; 23; 24; 25; 26; 27;
34; 35 and 36.

T. 28 N., R. 14 E.: Willamette Meridian
Secs. 23; 24; 25; 26; 35; and 36.

T. 27 N., R. 13 E.: Willamette Meridian
Secs. 1; and 2.

T. 27 N., R. 14 E.: Willamette Meridian
Secs. 1; 2; and 11.

T. 29 N., R. 15 E.: Willamette Meridian
Secs. 26; and 35.

T. 28 N., R. 15 E.: Willamette Meridian
Secs. 2; 11; 12; 13; 14; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.

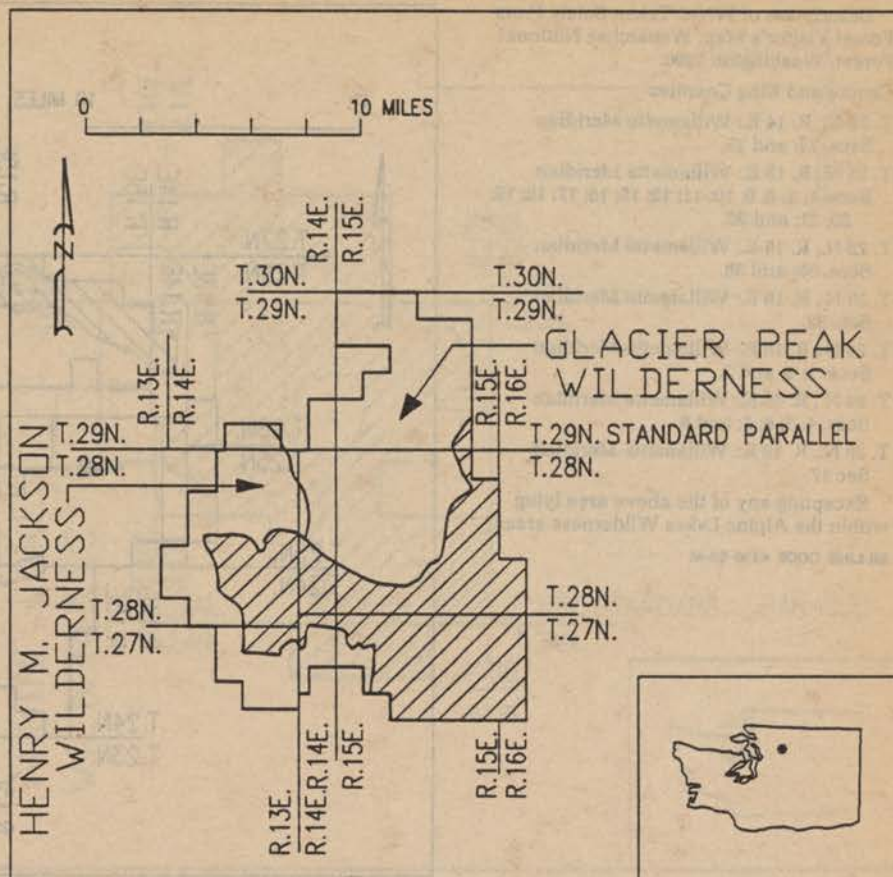
T. 28 N., R. 16 E.: Willamette Meridian
Secs. 30; and 31.

T. 27 N., R. 16 E.: Willamette Meridian
Secs. 6; 7; 18; and 19.

T. 27 N., R. 15 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 21; 22; 23; and 24.

Excepting any of the above area lying
within the Glacier Peak and Henry M.
Jackson Wilderness areas.

BILLING CODE 4310-55-M



WN-4

BILLING CODE 4310-55-C

Description of WN-5 Taken Solely From
Forest Visitor's Map; Wenatchee National
Forest, Washington 1990.

Chelan and King Counties

T. 26 N., R. 14 E.: Willamette Meridian
Secs. 24; and 25.

T. 26 N., R. 15 E.: Willamette Meridian
Secs. 1; 2; 8; 9; 10; 11; 12; 15; 16; 17; 18; 19;
20; 21; and 30.

T. 25 N., R. 15 E.: Willamette Meridian
Secs. 35; and 36.

T. 25 N., R. 16 E.: Willamette Meridian
Sec. 32.

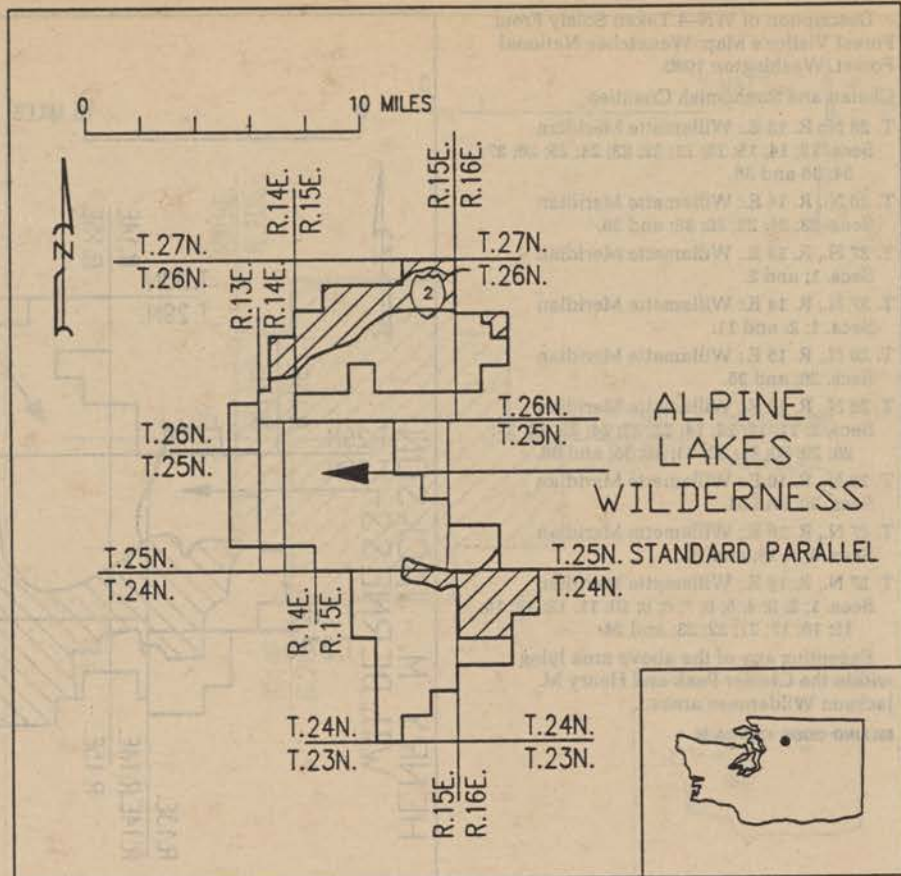
T. 24 N., R. 15 E.: Willamette Meridian
Secs. 1; 2; and 3.

T. 24 N., R. 16 E.: Willamette Meridian
Secs. 4; 5; 6; 7; and 8.

T. 26 N., R. 16 E.: Willamette Meridian
Sec. 17.

Excepting any of the above area lying
within the Alpine Lakes Wilderness areas.

BILLING CODE 4310-55-M



WN-5

BILLING CODE 4310-55-C

Description of WN-6 taken Solely From Forest Visitor's Map; Wenatchee National Forest, Washington 1990.

Chelan County

T. 25 N., R. 16 E.: Willamette Meridian
Secs. 25; and 36.

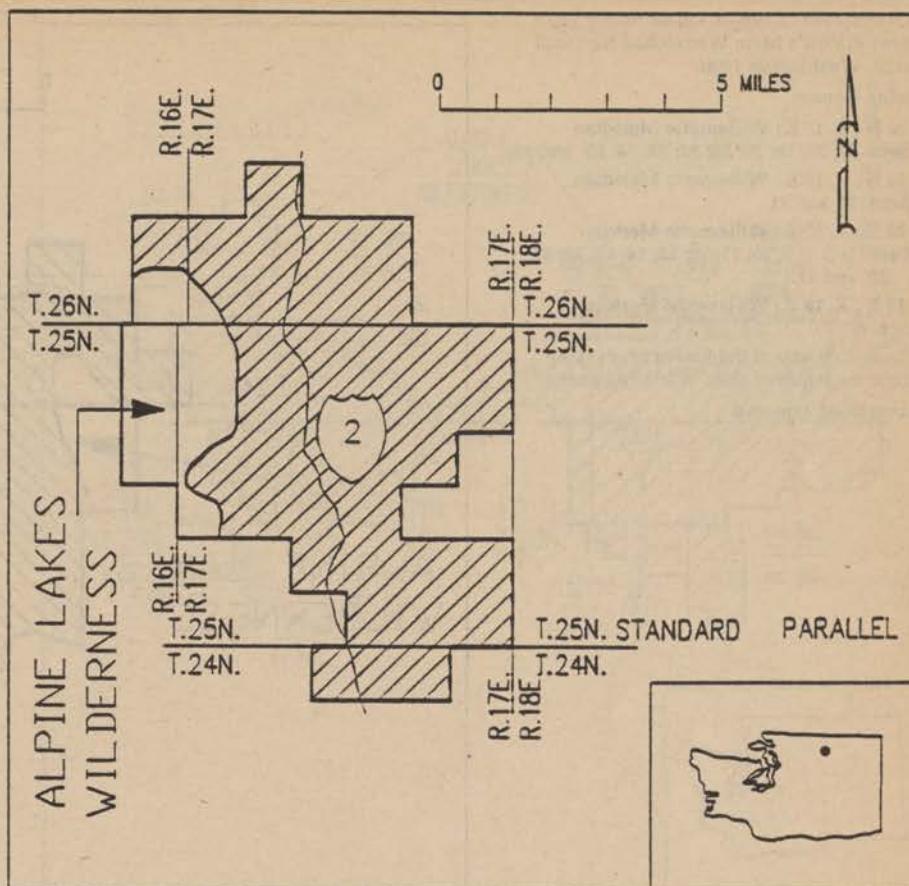
T. 26 N., R. 17 E.: Willamette Meridian
Secs. 20; 27; 28; 29; 30; 31; 32; 33; and 34.

T. 25 N., R. 17 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 8; 9; 10; 11; 12; 14; 15; 16;
17; 18; 19; 20; 21; 22; 25; 26; 27; 28; 34; 35;
and 36.

T. 24 N., R. 17 E.: Willamette Meridian
Secs. 2; 3; and 4.

Excepting any of the above areas lying within the Alpine Lakes Wilderness.

BILLING CODE 4310-55-M



WN-6

BILLING CODE 4310-55-C

Description of WN-7 Taken Solely From
Forest Visitor's Map; Wenatchee National
Forest, Washington 1990.

Chelan County

T. 24 N., R. 17 E.: Willamette Meridian
Secs. 22; 25; 26; 27; 28; 32; 33; 34; 35; and 36.

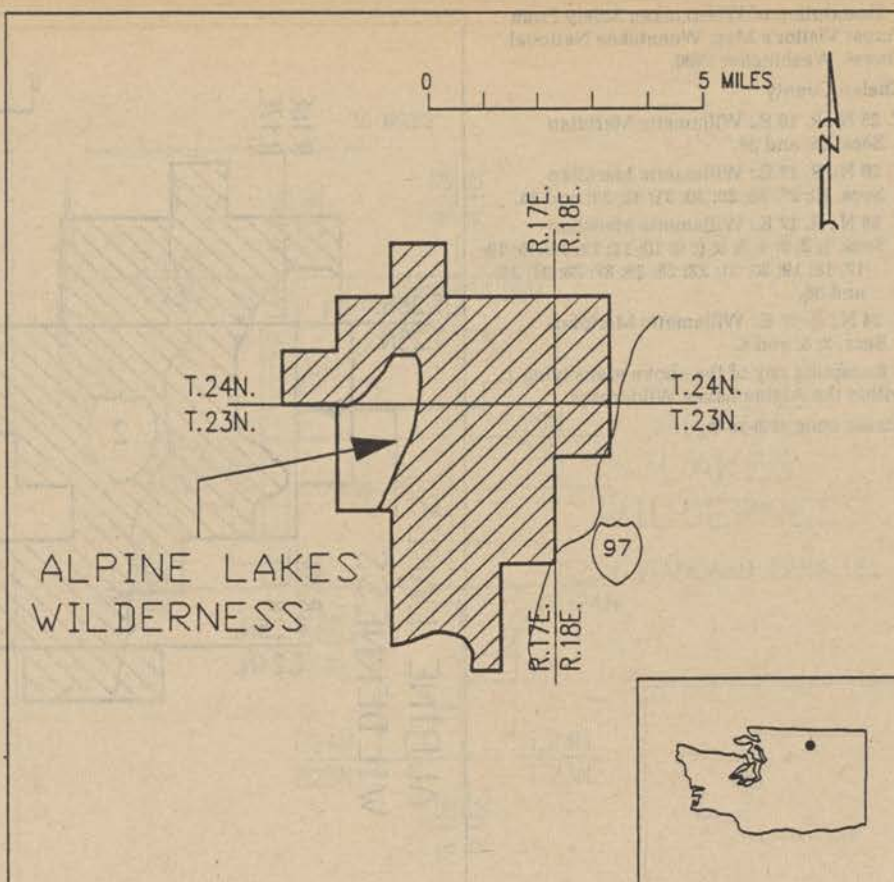
T. 24 N., R. 18 E.: Willamette Meridian
Secs. 30 and 31.

T. 23 N., R. 17 E.: Willamette Meridian
Secs. 1; 2; 3; 9; 10; 11; 12; 13; 14; 15; 22; 23;
26; and 27.

T. 23 N., R. 18 E.: Willamette Meridian
Sec. 6.

Excepting any of the above areas lying
within the Alpine Lakes Wilderness area.

BILLING CODE 4310-55-M



WN-7

BILLING CODE 4310-55-C

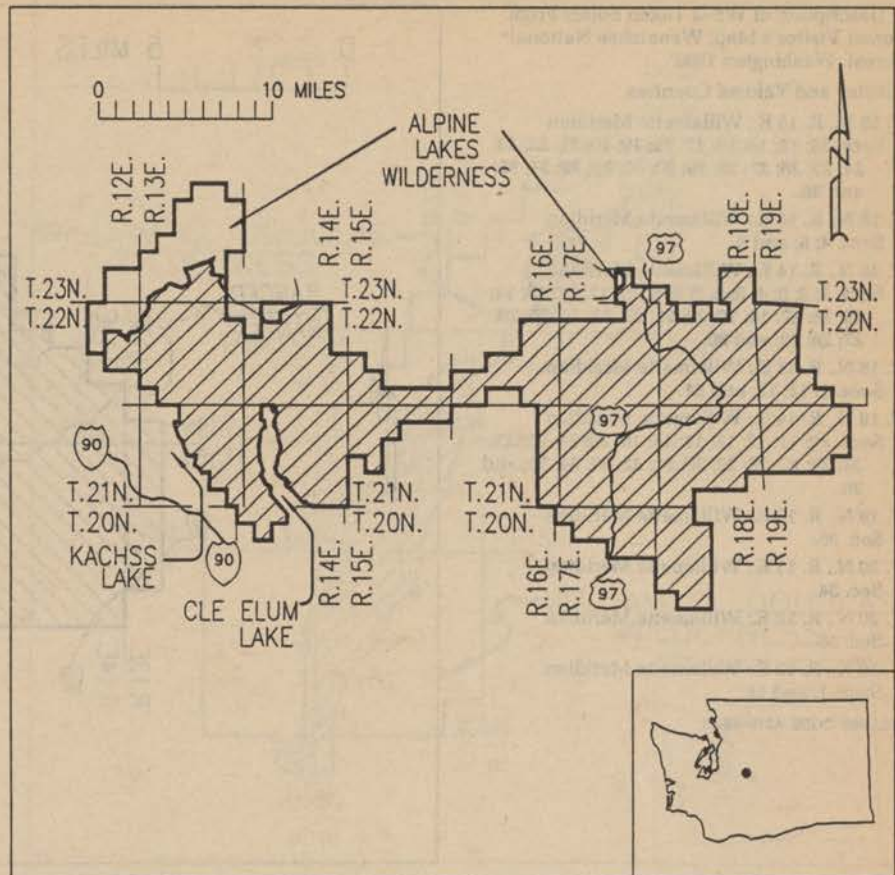
Description of WS-1 Taken Solely From
Forest Visitor's Map; Wenatchee National
Forest, Washington 1990.

Chelan and Kittitas Counties

- T. 23 N., R. 13 E.: Willamette Meridian
Secs. 21; 22; 23; 26; 27; 28; 29; 31; 32; 33; 34;
and 35.
- T. 23 N., R. 18 E.: Willamette Meridian
Secs. 25; 26; 31; 35; and 36.
- T. 23 N., R. 17 E.: Willamette Meridian
Secs. 26; 35; and 36.
- T. 22 N., R. 13 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 32; 33; 34; 35; and 36.
- T. 22 N., R. 19 E.: Willamette Meridian
Secs. 6; 7; 18; 19; 20; 28; 29; 30; 31; 32; 33;
and 34.
- T. 21 N., R. 14 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 21 N., R. 19 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 14; 15; 16; 17;
18; 19; 20; 21; and 22.
- T. 22 N., R. 18 E.: Willamette Meridian
Secs. 1; 2; 4; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15;
16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 21 N., R. 18 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 26; 27;
28; 29; 30; 31; and 32.
- T. 20 N., R. 14 E.: Willamette Meridian
Secs. 4; 5; 6; and 8.
- T. 20 N., R. 18 E.: Willamette Meridian
Secs. 5; 6; 7; 8; 9; 16; 17; 18; 19; 21; 28; 29; 30;
32; and 33.
- T. 22 N., R. 17 E.: Willamette Meridian
Secs. 1; 2; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17;
18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29;
30; 31; 32; 33; 34; 35; and 36.
- T. 21 N., R. 16 E.: Willamette Meridian
Secs. 1; 12; 13; 24; 25; and 36.
- T. 21 N., R. 17 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 20 N., R. 17 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 8; 9; 10; 11; 12; 13; 14;
and 15.
- T. 22 N., R. 16 E.: Willamette Meridian
Secs. 11; 12; 13; 14; 21; 22; 23; 24; 25; 26; 27;
28; 29; 30; 31; 32; 35; and 36.
- T. 22 N., R. 15 E.: Willamette Meridian
Secs. 19; 29; 30; 31; 32; 33; 34; 35; and 36.
- T. 21 N., R. 15 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 17; 18; and 20.
- T. 22 N., R. 14 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 8; 9; 10; 11; 14; 15; 16; 17; 18;
19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30;
31; 32; 33; 34; 35; and 36.
- T. 21 N., R. 13 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 8; 9; 10; 11; 12; 13; 14; 15; 16;
17; 22; 23; 24; 25; 26; and 36.
- T. 22 N., R. 12 E.: Willamette Meridian
Secs. 12; 13; 14; 23; and 24.

Excepting any of the above area lying
within the Alpine Lakes Wilderness area.

BILLING CODE 4310-55-M



WS-1

BILLING CODE 4310-55-C

Description of WS-2 Taken Solely From
Forest Visitor's Map; Wenatchee National
Forest, Washington 1990.

Kittitas and Yakima Counties

T. 19 N., R. 15 E.: Willamette Meridian
Secs. 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23;
24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35;
and 36.

T. 18 N., R. 15 E.: Willamette Meridian
Secs. 4; 5; and 6.

T. 18 N., R. 14 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14;
15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26;
27; 28; 29; and 30.

T. 18 N., R. 13 E.: Willamette Meridian
Secs. 1; 12; 13; and 24.

T. 19 N., R. 14 E.: Willamette Meridian
Secs. 10; 11; 12; 13; 14; 15; 16; 20; 21; 22; 23;
24; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; and
36.

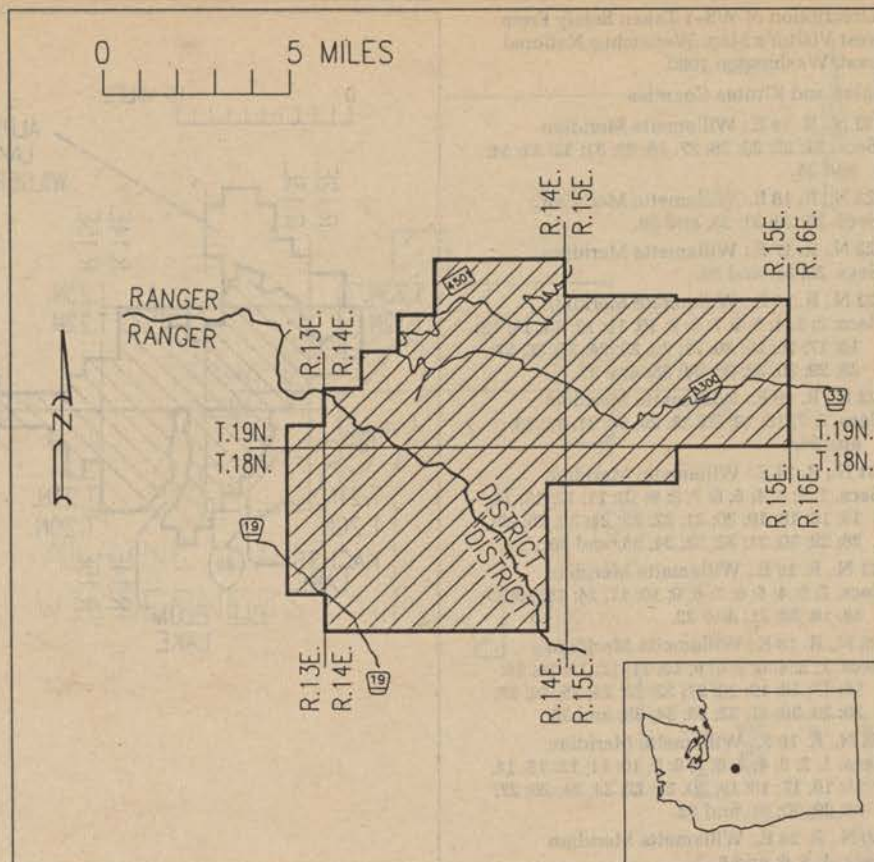
T. 19 N., R. 13 E.: Willamette Meridian
Sec. 36.

T. 20 N., R. 13 E.: Willamette Meridian
Sec. 34.

T. 20 N., R. 12 E.: Willamette Meridian
Sec. 36.

T. 19 N., R. 12 E.: Willamette Meridian
Secs. 1; and 12.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

WS-2

Description of WS-3 Taken Solely From
Forest Visitor's Map; Wenatchee National
Forest, Washington 1990.

Yakima County

T. 15 N., R. 11 E.: Willamette Meridian
Secs. 12; 13; 24; 25; and 36.

T. 15 N., R. 12 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 8; 9; 10; 11; 15; 16; 17; 20; 21;
29; and 32.

T. 16 N., R. 11 E.: Willamette Meridian
Secs. 25; and 36.

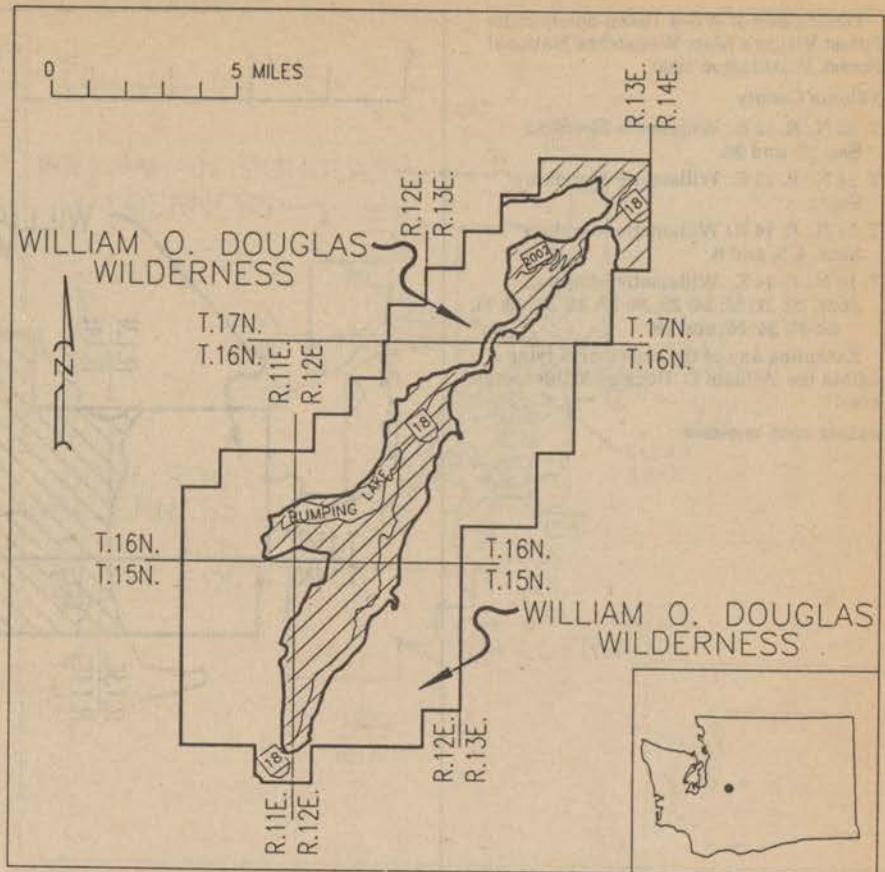
T. 16 N., R. 12 E.: Willamette Meridian
Secs. 1; 11; 12; 13; 14; 15; 22; 23; 24; 25; 26;
27; 28; 29; 32; 33; 34; and 35.

T. 16 N., R. 13 E.: Willamette Meridian
Secs. 5; 6; and 7.

T. 17 N., R. 13 E.: Willamette Meridian
Secs. 10; 11; 12; 13; 14; 21; 22; 23; 24; 27; 28;
32; 33; and 34.

Excepting any of the above area lying
within the William O. Douglas Wilderness
area.

BILLING CODE 4310-55-M



WS-3

BILLING CODE 4310-55-C

Description of WS-4 Taken Solely From Forest Visitor's Map; Wenatchee National Forest, Washington 1990.

Yakima County

T. 15 N., R. 13 E.: Willamette Meridian
Sec. 25; and 36.

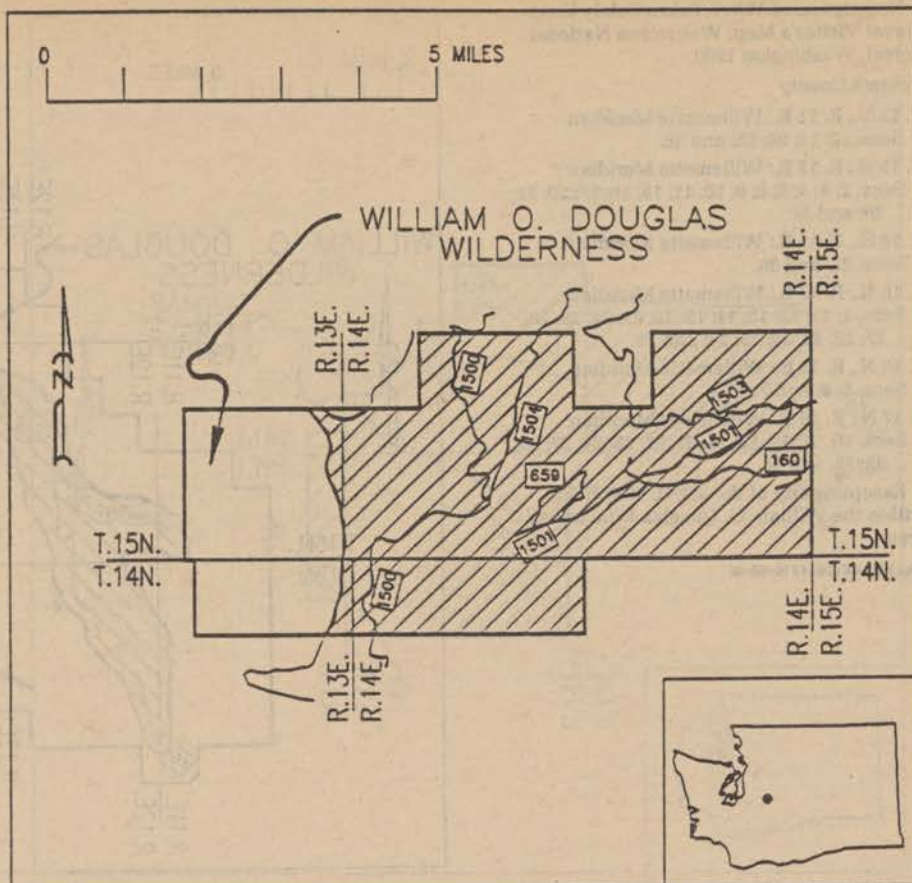
T. 14 N., R. 13 E.: Willamette Meridian
Sec. 1.

T. 14 N., R. 14 E.: Willamette Meridian
Secs. 4; 5; and 6.

T. 15 N., R. 14 E.: Willamette Meridian
Secs. 20; 21; 23; 24; 25; 26; 27; 28; 29; 30; 31;
32; 33; 34; 35; and 36.

Excepting any of the above area lying
within the William O. Douglas Wilderness
area.

BILLING CODE 4310-55-M



WS-4

BILLING CODE 4310-55-C

Description of WS-5 Taken Solely From Forest Visitor's Map; Wenatchee National Forest, Washington 1990.

Yakima and Lewis Counties

T. 13 N., R. 11 E.: Willamette Meridian
Secs. 1; 2; and 12.

T. 13 N., R. 12 E.: Willamette Meridian
Secs. 1; 2; 3; 4; 5; 9; 10; 11; 12; 13; 14; 15; 16;
20; 21; 22; 23; 27; 28; 29; 32; and 34.

T. 14 N., R. 13 E.: Willamette Meridian
Secs. 30; and 31.

T. 14 N., R. 12 E.: Willamette Meridian
Secs. 32; 34; 35; and 36.

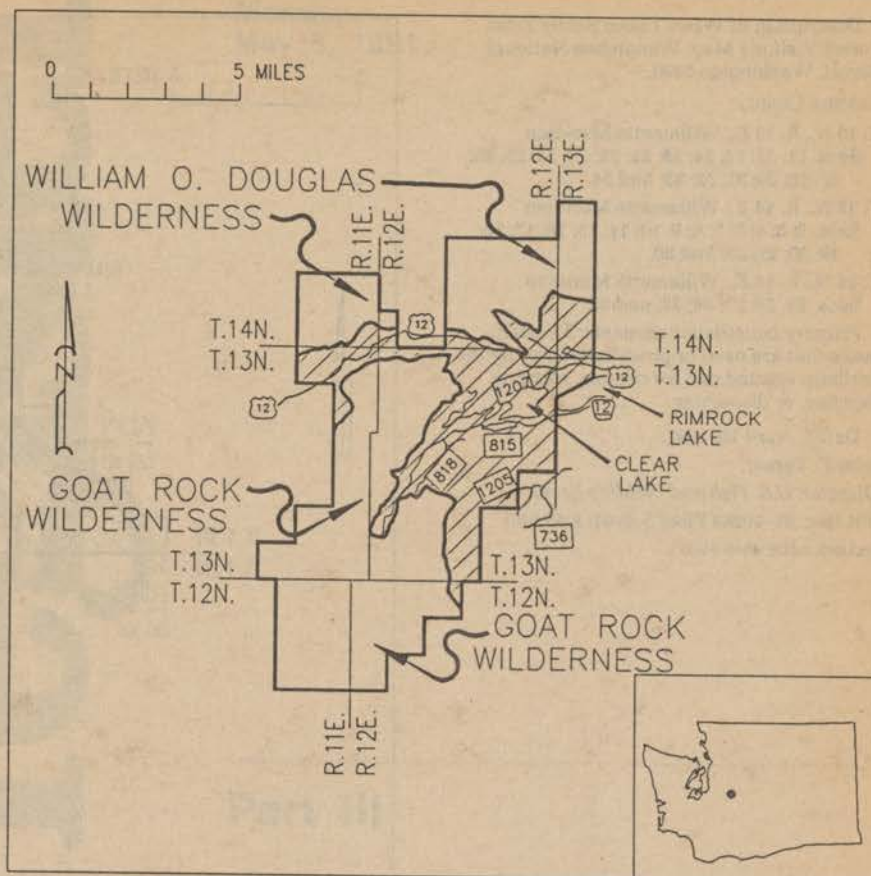
T. 14 N., R. 11 E.: Willamette Meridian
Sec. 36.

T. 13 N., R. 13 E.: Willamette Meridian
Sec. 6.

T. 12 N., R. 12 E.: Willamette Meridian
Sec. 4.

Excepting any of the above area lying within the Goat Rocks and William O. Douglas Wilderness areas.

BILLING CODE 4310-55-M



WS-5

BILLING CODE 4310-55-C

Description of WS-6 Taken Solely From
Forest Visitor's Map; Wenatchee National
Forest, Washington 1990.

Yakima County

T. 13 N., R. 13 E.: Willamette Meridian
Secs. 11; 12; 13; 14; 15; 21; 22; 23; 24; 25; 26;
27; 28; 29; 31; 32; 33; and 34.

T. 13 N., R. 14 E.: Willamette Meridian
Secs. 2; 3; 4; 5; 7; 8; 9; 10; 11; 15; 16; 17; 18;
19; 20; 21; 29; and 30.

T. 14 N., R. 14 E.: Willamette Meridian
Secs. 25; 26; 33; 34; 35; and 36.

Primary constituent elements: forested
lands that are used or potentially used by the
northern spotted owl for nesting, roosting,
foraging, or dispersing.

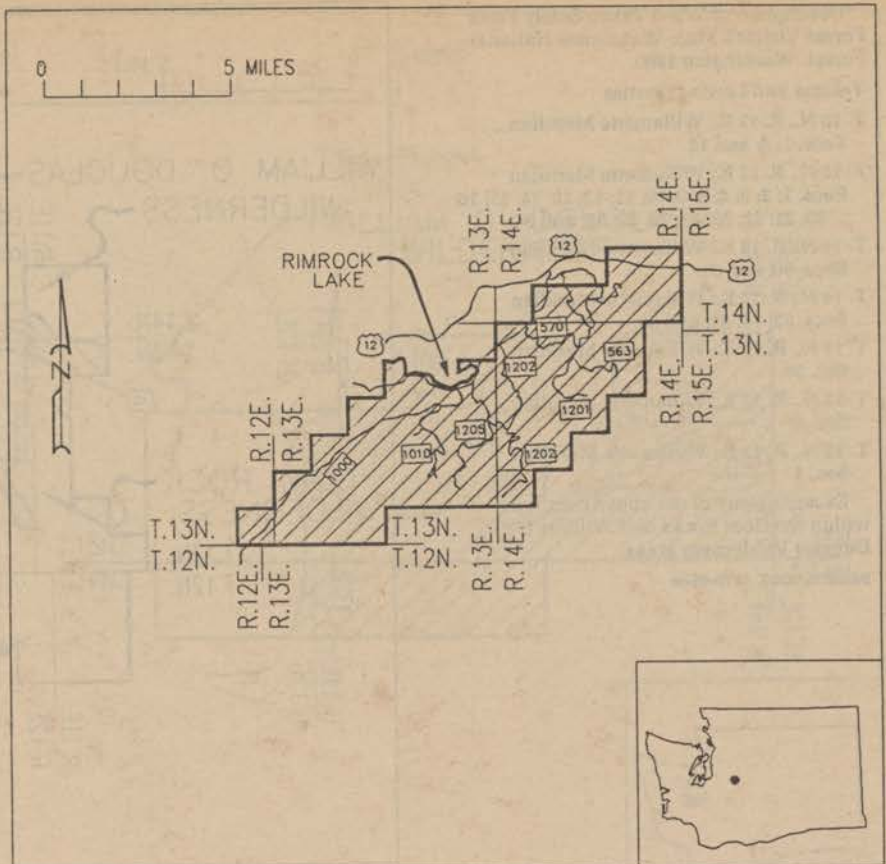
Dated: April 25, 1991.

John F. Turner,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 91-10263 Filed 5-3-91; 8:45 am]

BILLING CODE 4310-55-M



WS-6

BILLING CODE 4310-55-C

Registered Teacher

**Monday
May 6, 1991**

Part III

Department of Education

**Drug-Free Schools and Communities
Counselor Training Grants Program;
Notice**

DEPARTMENT OF EDUCATION

[CFDA No.: 84.241]

Drug-Free Schools and Communities Counselor Training Grants Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1991

Note to applicants: This notice is a complete application package, together with the statute authorizing the program and the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application forms, and instructions needed to apply for a grant under this competition.

Purpose of program: To award grants to establish, expand, or enhance programs and activities for the training of counselors, social workers, psychologists, or nurses who are providing or will provide the drug abuse prevention, counseling, or referral services in elementary and secondary schools. Funds under this program may not be used for treatment services.

Eligible applicants: The following are eligible for new awards under this competition: State educational agencies, local educational agencies, institutions of higher education, or consortia of those agencies or institutions. Grants may also be awarded to private nonprofit agencies that have an agreement with a local educational agency to provide training in drug abuse counseling for individuals who will provide counseling in the schools of that local educational agency.

Deadline for transmittal of applications: June 21, 1991.

Deadline for intergovernmental review: August 20, 1991.

Available funds: \$3,395,000.

Estimated range of awards: \$50,000 to \$100,000.

Estimated average size of awards: \$75,000.

Estimated number of awards: 45.

Note: The Department is not bound by any estimates in this notice.

Project period: Up to 12 months.

Applicable regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), Part 75 (Direct Grant Programs), Part 77 (Definitions that Apply to Department Regulations), Part 79 (Intergovernmental Review of Department of Education Programs and Activities), Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), Part 81

(General Education Provisions Act—Enforcement), Part 82 (New Restrictions on Lobbying), Part 85 (Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)), and Part 86 (Drug-Free Schools and Campuses); (b) The regulations for Student Rights in Research, Experimental Programs, and Testing in 34 CFR part 98; and (c) The regulations for Family Educational Rights and Privacy in 34 CFR part 99.

Selection criteria: (a)(1) The Secretary uses the following selection criteria to evaluate applications for new grants under this competition.

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

(b) *The criteria*—(1) *Meeting the purposes of the authorizing statute.* (30 points) The Secretary reviews each application to determine how well the project will meet the purpose of section 5129 of the Drug-Free Schools and Communities Act (DFSCA), including consideration of—

(i) the objectives of the project; and

(ii) How the objectives of the project further the purposes of section 5129 of the DFSCA.

(2) *Extent of need for the project.* (20 points) The Secretary reviews each application to determine the extent to which the project meets specific needs recognized in section 5129 of the DFSCA, including consideration of—

(i) The needs addressed by the project;

(ii) How the applicant identified those needs;

(iii) How those needs will be met by the project; and

(iv) The benefits to be gained by meeting those needs.

(3) *Plan of operation.* (20 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The quality of the design of the project;

(ii) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(iii) How well the objectives of the project relate to the purpose of the program;

(iv) The quality of the applicant's plan to use its resources and personnel to achieve each objective;

(v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition; and

(4) *Quality of key personnel.* (12 points) (i) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the projects, including—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraph (b)(4)(i) (A) and (B) will commit to the project; and

(D) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(ii) To determine personnel qualifications under paragraphs (b)(4)(i)(A) and (B), the Secretary considers—

(A) Experience and training in fields related to the objectives of the project; and

(B) Any other qualifications that pertain to the quality of the project.

(5) *Budget and cost effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(6) *Evaluation plan.* (10 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(i) Are appropriate to the project; and

(ii) To the extent possible, are objective and produce data that are quantifiable.

(Cross-reference: See 34 CFR 75.590 Evaluation by the grantee.)

(7) *Adequacy of resources.* (3 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

Intergovernmental Review of Federal Programs: This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any Single Point of Contact, see the list published in the *Federal Register* on September 17, 1990, pages 38210 and 38211.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA # 84.241, U.S. Department of Education, room 4161, 400 Maryland Avenue, SW., Washington, DC 20202-0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

Please note that this address is not the same address as the one to which the applicant submits its completed application. Do not send applications to the above address.

Instructions for transmittal of applications: (a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA 84.241), Washington, DC 20202-4725 or

(2) Hand deliver the original and two copies of the application by 4:30 p.m.

(Washington, DC time) on the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA #84.241), Room #3633, Regional Office Building #3, 7th and D Streets SW., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708-9494.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms: The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4-88)) and instructions.

Part II: Budget Information—Non-Construction Programs (Standard Form 424A) and Instructions.

Part III: Application Narrative.

Additional Materials:

Estimated Public Reporting Burden.

Assurances—Non-Construction

Programs (Standard Form 424B).

Certifications regarding Lobbying: Debarment, Suspension, and Other Responsibility Matters; and Drug Free Workplace Requirements (ED 80-0013).

Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80-0014, 9/90) and instructions.

Note: ED 80-0014 is intended for the use of grantees and should not be transmitted to the Department.

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL-A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

FOR FURTHER INFORMATION CONTACT: Allen King, Director, Division of Drug-Free Schools and Communities, 400 Maryland Avenue SW., Washington, DC 20202-6439; (202) 401-1599. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 3202, 3203.

Dated: April 29, 1991.

John T. MacDonald,

Assistant Secretary for Elementary and Secondary Education.

BILLING CODE 4000-01-M

OMB Approval No. 0348-0043

APPLICATION FOR
FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction</div><div><input type="checkbox"/> Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction</div></div>		2. DATE SUBMITTED	Applicant Identifier																				
3. DATE RECEIVED BY STATE		State Application Identifier																					
		4. DATE RECEIVED BY FEDERAL AGENCY Federal Identifier																					
5. APPLICANT INFORMATION																							
Legal Name:		Organizational Unit:																					
Address (give city, county, state, and zip code):		Name and telephone number of the person to be contacted on matters involving this application (give area code):																					
6. EMPLOYER IDENTIFICATION NUMBER (EIN): <div style="border: 1px solid black; width: 150px; height: 20px; margin: 5px 0;"></div>		7. TYPE OF APPLICANT: (enter appropriate letter in box) <input type="checkbox"/> <div style="display: flex; flex-wrap: wrap;"><div style="width: 50%;">A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District</div><div style="width: 50%;">H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify): _____</div></div>																					
8. TYPE OF APPLICATION: <div style="display: flex; justify-content: space-around;"><input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision</div> If Revision, enter appropriate letter(s) in box(es): <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____		9. NAME OF FEDERAL AGENCY: U.S. Department of Education																					
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: TITLE: Drug-Free Schools and Communities Counselor Training Grants Program <div style="display: flex; justify-content: space-around; margin-top: 5px;"><div style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">8</div><div style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">4</div><div style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">2</div><div style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">4</div><div style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">1</div></div>		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:																					
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):																							
13. PROPOSED PROJECT: <div style="display: flex; justify-content: space-between;"><div>Start Date</div><div>Ending Date</div></div>		14. CONGRESSIONAL DISTRICTS OF: <div style="display: flex; justify-content: space-between;"><div>a. Applicant</div><div>b. Project</div></div>																					
15. ESTIMATED FUNDING: <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 20%;">a. Federal</td><td style="width: 10%;">\$</td><td style="width: 10%; text-align: right;">.00</td></tr><tr><td>b. Applicant</td><td>\$</td><td style="text-align: right;">.00</td></tr><tr><td>c. State</td><td>\$</td><td style="text-align: right;">.00</td></tr><tr><td>d. Local</td><td>\$</td><td style="text-align: right;">.00</td></tr><tr><td>e. Other</td><td>\$</td><td style="text-align: right;">.00</td></tr><tr><td>f. Program Income</td><td>\$</td><td style="text-align: right;">.00</td></tr><tr><td>g. TOTAL</td><td>\$</td><td style="text-align: right;">.00</td></tr></table>		a. Federal	\$.00	b. Applicant	\$.00	c. State	\$.00	d. Local	\$.00	e. Other	\$.00	f. Program Income	\$.00	g. TOTAL	\$.00	16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? <div style="margin-top: 5px;">a. YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____</div> <div style="margin-top: 5px;">b. NO <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW</div>
a. Federal	\$.00																					
b. Applicant	\$.00																					
c. State	\$.00																					
d. Local	\$.00																					
e. Other	\$.00																					
f. Program Income	\$.00																					
g. TOTAL	\$.00																					
17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <div style="display: flex; justify-content: space-between; margin-top: 5px;"><div><input type="checkbox"/> Yes If "Yes," attach an explanation.</div><div><input type="checkbox"/> No</div></div>																							
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED																							
a. Typed Name of Authorized Representative		b. Title																					
d. Signature of Authorized Representative		c. Telephone number																					
		e. Date Signed																					

Previous Editions Not Usable

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry: | Item: | Entry: |
|-------|--|-------|--|
| 1. | Self-explanatory. | 12. | List only the largest political entities affected (e.g., State, counties, cities). |
| 2. | Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable). | 13. | Self-explanatory. |
| 3. | State use only (if applicable). | 14. | List the applicant's Congressional District and any District(s) affected by the program or project. |
| 4. | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. | 15. | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5. | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. | 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| 7. | Enter the appropriate letter in the space provided. | 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) |
| 8. | Check appropriate box and enter appropriate letter(s) in the space(s) provided:
— "New" means a new assistance award.
— "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
— "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. | | |
| 9. | Name of Federal agency from which assistance is being requested with this application. | | |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | |
| 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | |

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs**SECTION A — BUDGET SUMMARY**

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

SECTION B — BUDGET CATEGORIES

Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$	\$	\$	\$	\$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	\$	\$	\$	\$	\$
7. Program Income	\$	\$	\$	\$	\$

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8.	\$	\$	\$	\$	
9.					
10.					
11.					
12. TOTALS (sum of lines 8 and 11)	\$	\$	\$	\$	

SECTION D - FORECASTED CASH NEEDS				
	Total for 1st Year	1st Quarter	2nd Quarter	4th Quarter
	13. Federal	\$	\$	\$
14. NonFederal				
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	\$	\$	\$	\$
17.				
18.				
19.				
20. TOTALS (sum of lines 16-19)	\$	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION (Attach additional Sheets if Necessary)	
21. Direct Charges:	22. Indirect Charges:
23. Remarks	

INSTRUCTIONS FOR THE SF-424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary
Lines 1-4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g.)

For *new applications*, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

Lines 1-4, Columns (c) through (g.) (continued)

For *continuing grant program applications*, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For *supplemental grants and changes* to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i — Show the totals of Lines 6a to 6h in each column.

Line 6j — Show the amount of indirect cost.

Line 6k — Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

INSTRUCTIONS FOR THE SF-424A (continued)

Line 7 - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8-11 - Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) - Enter the contribution to be made by the applicant.

Column (c) - Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) - Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) - Enter totals of Columns (b), (c), and (d).

Line 12 - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 - Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 - Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 - Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16 - 19 - Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 - Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 - Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 - Provide any other explanations or comments deemed necessary.

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Instructions for Part III—Application Narrative

Before preparing the Application Narrative an applicant should read carefully the description of the program, and the selection criteria the Secretary uses to evaluate applications.

The narrative should encompass each function or activity for which funds are being requested and should—

1. Begin with an Abstract; that is, a summary of the proposed project;
2. Describe the proposed project in light of each of the selection criteria in the order in which the criteria are listed in this application package;
3. Provide assurances that the Federal funds made available shall be used to supplement, and, to the extent practical, to increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant, and in no case to supplant such funds;
4. Provide assurances of compliance with the statute;

5. Include a discussion of how the training to be assisted under the grant will assist the applicant to:

- a. Increase the number of school personnel who are trained to provide drug abuse counseling services; and
- b. Improve the quality of drug abuse counseling services offered by the applicant or the local educational agency concerned;

6. In the case of an applicant that is a private, nonprofit agency, include documentation of an agreement with a local educational agency to provide training in drug abuse counseling for individuals who will provide counseling in the schools of the local educational agency; and

7. Include any other pertinent information that might assist the Secretary in reviewing the application.

Please limit the Application Narrative to no more than 25 double-spaced, typed pages (on one side only).

Instructions for Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing the Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202-4651; and to the Office of Management and Budget, Paperwork Reduction 1810-0552, Washington, DC 20503.

BILLING CODE 4000-01-M

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)
Prescribed by OMB Circular A-102

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CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 -

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an on-going drug-free awareness program to inform employees about--
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office

Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 —

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

Approved by OMB
0348-0046

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance		2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award		3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____	
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known: _____			5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Congressional District, if known: _____		
6. Federal Department/Agency:			7. Federal Program Name/Description: CFDA Number, if applicable: _____		
8. Federal Action Number, if known:			9. Award Amount, if known: \$ _____		
10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MI): _____ (attach Continuation Sheet(s) SF-LLL-A, if necessary)			b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI): _____ (attach Continuation Sheet(s) SF-LLL-A, if necessary)		
11. Amount of Payment (check all that apply): \$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned			13. Type of Payment (check all that apply): <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other, specify: _____		
12. Form of Payment (check all that apply): <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind; specify: nature _____ value _____					
14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11: _____ (attach Continuation Sheet(s) SF-LLL-A, if necessary)					
15. Continuation Sheet(s) SF-LLL-A attached: <input type="checkbox"/> Yes <input type="checkbox"/> No					
16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.					
Federal Use Only:			Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____		
			Authorized for Local Reproduction Standard Form - LLL		

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

**DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET**

Reporting Entity: _____ Page _____ of _____

[FR Doc. 91-10548 Filed 5-3-91; 8:45 am]

BILLING CODE 4000-01-C

STATEMENT OF WORKING CAPITAL
CONTINUATION SHEET

1. Name of business	2. Date of statement
3. Nature of business	4. Location of business
5. Capital source	6. Capital amount
7. Capital use	8. Capital balance
9. Capital interest	10. Capital profit
11. Capital loss	12. Capital gain
13. Capital dividend	14. Capital stock
15. Capital bond	16. Capital note
17. Capital loan	18. Capital lease
19. Capital purchase	20. Capital sale
21. Capital transfer	22. Capital exchange
23. Capital contribution	24. Capital withdrawal
25. Capital distribution	26. Capital redemption
27. Capital liquidation	28. Capital dissolution
29. Capital reorganization	30. Capital merger
31. Capital acquisition	32. Capital divestiture
33. Capital recapitalization	34. Capital restructuring
35. Capital refinancing	36. Capital debt
37. Capital equity	38. Capital debt
39. Capital debt	40. Capital equity
41. Capital debt	42. Capital equity
43. Capital debt	44. Capital equity
45. Capital debt	46. Capital equity
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85. Capital debt	86. Capital equity
87. Capital debt	88. Capital equity
89. Capital debt	90. Capital equity
91. Capital debt	92. Capital equity
93. Capital debt	94. Capital equity
95. Capital debt	96. Capital equity
97. Capital debt	98. Capital equity
99. Capital debt	100. Capital equity

STATEMENT OF WORKING CAPITAL
CONTINUATION SHEET

Monday
May 6, 1991

Federal Register

Part IV

Department of Justice

Bureau of Prisons

28 CFR Part 552

Control, Custody, Care, Treatment and Instruction of Inmates; Searches of Housing Units, Inmates and Inmate Work Areas; Interim Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 552

Control, Custody, Care, Treatment and Instruction of Inmates; Searches of Housing Units, Inmates and Inmate Work Areas

AGENCY: Bureau of Prisons, Justice.

ACTION: Interim rule.

SUMMARY: In this document the Bureau of Prisons is amending its rule on Searches of Housing Units, Inmates and Inmate Work Areas in order to codify existing procedures. This amendment allows the Warden to place an inmate in a room or cell for close observation when there is reasonable belief that the inmate has ingested contraband or concealed contraband in a body cavity, and other methods of body searches are inappropriate or likely to result in physical injury to the inmate. This amendment also adds other examples which indicate when a visual search is warranted, and makes editorial corrections. The intended effect of this amendment is to help ensure the continued security and good order of the institution by providing an alternate method for the detection of contraband.

DATES: Effective May 6, 1991. Comments must be submitted by June 20, 1991.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 307-3062.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its rule on Searches of Housing Units, Inmates, and Inmate Work Areas. A final rule on this subject was published in the *Federal Register* November 13, 1980 (45 FR 75134) and was amended in the *Federal Register* October 21, 1983 (48 FR 48970). A summary of the specific changes to that rule follows.

In § 552.11(b)(1), the second sentence is revised to read "For example, placement in a special housing units (see 28 CFR part 541, subpart B), leaving the institution, or re-entry into an institution after contact with the public (after a community trip, court transfer, or after a "contact" visit in a visiting room) is sufficient to justify a visual search." This amendment merely adds other examples indicating when a visual search is warranted, and represents no change in the intent of the existing rule. In § 552.11(c), the introductory text is amended by revising the word "forcep" in the first sentence to read "forceps".

Sections 552.12 and 552.13 are redesignated as §§ 552.13 and 552.14, and a new § 552.12 is added which specifies that when there is reasonable belief that an inmate has ingested contraband or concealed contraband in a body cavity and the methods of search specified in § 552.11 are inappropriate or likely to result in physical injury to the inmate, the Warden or designee may authorize the placement of an inmate in a room or cell for the purpose of staff's closely observing that inmate until the inmate has voided the contraband or until sufficient time has elapsed to preclude the possibility that the inmate is concealing contraband. Paragraph (a) of § 552.12 provides for the termination and review of close observation status, paragraph (b) specifies that the supervising staff member shall be the same sex as the inmate and shall maintain complete and constant visual supervision of the inmate, and paragraph (c) specifies the conditions of close observation.

Because this amendment is intended to specify agency procedures for dealing with institution security (specifically, alternate procedures for the detection of contraband), the Bureau finds good cause for exemption from the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and delay in effective date. While the Bureau believes it is necessary to implement these procedures immediately, the Bureau is publishing the procedures as an interim rule in order to invite public comment. Members of the public may submit comments concerning this rule by writing the previously cited address. These comments will be considered before the rule is finalized.

Through an inadvertent error in the production of a previous edition of title 28, the text of former § 552.12(b)(2) was partially replaced by a repetition of the text of paragraph (c). This amendment correctly revises redesignated § 552.13(b)(2) to read "Staff shall solicit the inmate's consent prior to the X-ray examination. However, the inmate's consent is not required."

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of E.O. 12291. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 552

Prisoners.

Dated: April 26, 1991.

J. Michael Quinlan,
Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), subchapter C of 28 CFR chapter V is amended as set forth below.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 552—CUSTODY

1. The authority citation for 28 CFR part 552 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4005, 4042, 4081, 4082 (Repealed in part as to offenses occurring on or after November 1, 1987), 5006-5024 (Repealed October 12, 1984 as to conduct occurring after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

2. In § 552.11, (c) introductory text is amended by revising the word "forcep" in the first sentence to read "forceps", and paragraph (b)(1) is amended by revising the second sentence as follows:

§ 552.11 Body searches of inmates.

(b) * * *

(1) * * * For example, placement in a special housing unit (see 28 CFR part 541, subpart B), leaving the institution, or re-entry into an institution after contact with the public (after a community trip, court transfer, or after a "contact" visit in a visiting room) is sufficient to justify a visual search.

§§ 552.12 and 552.13 [Redesignated as §§ 552.13 and 552.14].

3. Sections 552.12 and 552.13 are redesignated as §§ 552.13 and 552.14.

4. A new § 552.12 is added to read as follows:

§ 552.12 Close observation.

When there is reasonable belief that an inmate has ingested contraband or concealed contraband in a body cavity and the methods of search specified in § 552.11 are inappropriate or likely to result in physical injury to the inmate, the Warden or designee may authorize the placement of an inmate in a room or cell for the purpose of staff's closely observing that inmate until the inmate has voided the contraband or until sufficient time has elapsed to preclude the possibility that the inmate is concealing contraband.

(a) The length of close observation status will be determined on an

individual basis. Ordinarily, the Captain, in consultation with qualified health personnel, shall determine when termination is appropriate. The status of an inmate under close observation for as long as three days must be reviewed by the Segregation Review Official according to the provisions in § 541.22(c) of this chapter, and the initial SRO review conducted within three work days shall be a formal hearing. Maintaining an inmate under close observation beyond seven days requires approval of the Warden, who makes this decision in consultation with the Captain and qualified health personnel.

(b) The supervising staff member shall be the same sex as the inmate and shall maintain complete and constant visual supervision of the inmate.

(c) The supervisor responsible for initiating the close observation watch shall advise the inmate of the conditions and of what is expected.

(1) The inmate shall be required to provide a urine sample within two hours of placement under close observation in accordance with the provisions of § 550.30 of this chapter on urine surveillance. A second urine sample is

required prior to releasing the inmate from close observation.

(2) The light will be kept on at all times.

(3) No inmate under close observation status may be allowed to come into contact with another inmate.

(4) The inmate ordinarily may not be allowed personal property while under close observation status, except legal and personal mail and a reasonable amount of legal materials when requested. Personal hygiene items will be controlled by staff.

(5) When the inmate is lying on a bed, the inmate shall be required to lie on top of the mattress in full view, weather and room temperature permitting. When necessary for the inmate to use cover, hands must remain visible at all times so that staff can observe any attempt to move contraband.

(6) Due to security concerns, the inmate ordinarily may not be permitted recreation outside of the cell.

(7) The inmate is to be served the same meals as those served to the general population, unless medically contraindicated.

(8) No medications may be given to the inmate except for those prescribed

and given by hospital personnel. No laxatives may be given except natural laxatives, i.e., coffee, prune juice, etc.

(9) When the inmate needs to urinate and/or defecate, the inmate will be furnished an empty hospital bed pan.

(10) When the inmate requests to shave, to brush teeth, or other such request, a wash pan and container of water is to be provided for use in the cell.

(11) Institution staff shall be available to the inmate upon request, within reason and within the bounds of security concerns.

5. In redesignated § 552.13, paragraph (b)(2) is revised to read as follows:

§ 552.13 X-ray, major instrument, fluoroscope, or surgical intrusion.

* * * * *

(b) * * *

(2) Staff shall solicit the inmate's consent prior to the X-ray examination. However, the inmate's consent is not required.

* * * * *

[FR Doc. 91-10606 Filed 5-3-91; 8:45 am]

BILLING CODE 4410-05-M

Monday
May 6, 1991

Grand Report

PART V

Department of Education

Tribally Controlled Postsecondary Vocational Institutions Program; Notice

DEPARTMENT OF EDUCATION

(CFDA No.: 84.245)

Tribally Controlled Postsecondary Vocational Institutions Program (Institutional Support Grants), Notice Inviting Applications for New Awards for Fiscal Year (FY) 1991

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and the Education Department General Administrative Regulations (EDGAR), the notice contains all the information, application forms, and instructions needed to apply for a grant under this competition.

The Supplemental Appropriations Act enacted April 10, 1991 (Pub L. 102-27), directs the Department to make awards for this program no later than June 1, 1991. That legislation also waives, for this program, the requirements in the General Education Provisions Act for rulemaking with public comment. Therefore the Department is publishing, in final without public comment, this special application notice with selection criteria tailored to the requirements of the Tribally Controlled Vocational Institutions Support Act of 1990.

Purpose of Program: It is the purpose of this program to provide grants for the operation and improvement of tribally controlled postsecondary vocational institutions to ensure continued and expanded educational opportunities for Indian students, and to allow for the improvement and expansion of the physical resources of those institutions.

Deadline for Transmittal of

Applications: May 15, 1991.

Available Funds: \$2,440,000.

Estimated Range of Awards: \$500,000-\$1,900,000.

Estimated Average Size of Awards: \$1,220,000.

Estimated Number of Awards: A minimum of 2 grants.

Note: The Department is not bound by any estimates in this notice.

Project Period: 60 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR part 75 (Direct Grant Programs), part 77 (Definitions that Apply to Department Regulations) part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and Indian Tribal Governments), part 81 (General Education Provisions Act—Enforcement), part 85 (Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirement for Drug-Free

Workplace (Grants), and part 86 (Drug-Free Schools and Campuses).

Description of Program: The Tribally Controlled Postsecondary Vocational Institutions Program (title III, part H of the Carl D. Perkins Vocational and Applied Technology Education Act) provides institutional support grants for the operation and improvement of the tribally controlled postsecondary vocational institutions to ensure continued and expanded educational opportunities for Indian students, and to allow for the improvement and expansion of the physical resources of those institutions.

The Secretary intends to distribute all funds available under this program through this competitive grant process and, therefore, it is anticipated that no funds would be reserved to fund additional training equipment costs at a later date. (See section 389(d)(1)(A) of the Act).

Eligibility: A tribally controlled postsecondary vocational institution is eligible for assistance under this program if it meets the following conditions:

(a) Is governed by a board of directors or trustees, a majority of whom are Indians.

(b) Demonstrates adherence to stated goals, a philosophy or a plan of operation that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated tribal goals of developing individual entrepreneurship and self-sustaining economic infrastructures on reservations.

(c) Has been in operation for at least three years.

(d) Holds accreditation with or is a candidate for accreditation by a nationally recognized accrediting authority for postsecondary vocational education; and

(e) Enrolls the full-time equivalency of not fewer than 100 students, of whom a majority are Indians.

Funding Activities: The Secretary provides institutional support grants for basic support for the education and training of Indian students, including—

- (1) Training costs;
- (2) Educational costs;
- (3) Equipment costs;
- (4) Administrative costs; and
- (5) Costs of operation and maintenance of the institution.

Definitions: The following definitions also apply to this program:

(a) *Act* means the Tribally Controlled Vocational Institutions Support Act of 1990.

(b) *Indian* means a person who is a member of an Indian tribe.

(c) *Indian student count* means a number equal to the total number of Indian students enrolled in each tribally controlled postsecondary vocational institution, determined as follows:

(1) The registrations of Indian students as in effect on October 1 of each year.

(2) Credits or clock hours toward a certificate earned in classes offered during a summer term must be counted toward the computation of the Indian student count in the succeeding fall term.

(3) Credits or clock hours toward a certificate earned in classes during a summer term must be counted toward the computation of the Indian student count if the institution at which the student is in attendance has established criteria for the admission of the student on the basis of the student's ability to benefit from the education or training offered. The institution is presumed to have established those criteria if the admission procedures for those studies include counseling or testing that measures the student's aptitude to successfully complete the course in which the student has enrolled. Credit earned by the student for purposes of obtaining a high school degree or its equivalent may not be counted toward the computation of the Indian student count.

(4) Indian students earning credits in any continuing education program of a tribally controlled vocational institution must be included in determining the sum of all credit or clock hours.

(5) Credits or clock hours earned in a continuing education program must be converted to the basis that is in accordance with the institution's system for providing credit for participation in these continuing education programs.

(d) *Indian tribe* means any Indian tribe, band, nation, or other organized group or community, including any Alaska native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (85 stat, 688), that is federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(e) *Tribally controlled postsecondary vocational institution* means an institution of higher education that is formally controlled, or has been formally sanctioned or chartered by the governing body of Indian tribe or tribes, and that offers technical degrees or certificate granting programs. This term does not include an institution that is a tribally controlled community college as

defined in this section of the notice. (See Cong. Rec. S4116 (daily ed. April 5, 1990) (Statement of Senator Bingaman); Cong. Rec. H1708 (daily ed. May 9, 1989) (Statement of Rep. Richardson)).

(f) *Tribally controlled community college* means an institution that receives assistance under Tribally Controlled Community Colleges Assistance Act of 1978 or the Navajo Community College Act.

(g) *Institutional support grant* means a grant under section 386 of the Act.

Application Content: To receive a grant under the Tribally Controlled Postsecondary Vocational Institutions Program an applicant for an institutional support grant must include the following information in the application:

(a) Documentation showing that the institution is eligible according to the requirements under the eligibility section of this notice.

(b) A description of the fiscal control and fund accounting procedures to be used for all funds received under this program that will allow the Secretary to monitor expenditures and the Education Department Inspector General, the U.S. Comptroller General, or an independent non-federal auditor to audit the institution's programs.

(c) A comprehensive development plan that must address—

(1) The institutional mission statement, i.e., a broad statement of purpose, that identifies its distinguishing characteristics, including the characteristics of the students the institution serves and plans to serve and the programs of study it offers and proposes to offer;

(2) Data for the past three academic years reflecting the number and required qualifications of the teaching and administrative staff, the number of students enrolled, attendance rates, dropout rates, graduation rates, rate of job placement or college enrollment after graduation, and the most significant scholastic problems affecting the student population;

(3) A description of how the institution is responsive to the current and projected labor market needs in its geographic area, including the institution's plans for placement of students;

(4) Assumptions concerning the institutional environment, the potential number of students to be served, enrollment trends, and economic factors which could affect the institution;

(5) Major problems or deficiencies that inhibit the institution from realizing its mission;

(6) Long-range and short-range goals that will chart the growth and development of the institution and

address the problems identified under paragraph (c)(5);

(7) Measurable objectives related to reaching each goal;

(8) Time-frames for achieving the goals and objectives described in paragraphs (c) (6) and (7);

(9) Strategies and resources for objectively evaluating the institution's progress towards, and success in, achieving its goals and objectives;

(10) Priorities for implementing improvements concerning instructional and student support, capital expenditures, equipment, and other priority areas; and

(11) Major resource requirements necessary for achieving its goals and objectives, including personnel, finances, equipment, and facilities, and a detailed budget identifying the costs to be paid with a grant under this program and resources available from other Federal, State, and local sources that will be used to achieve the institution's goals and objectives. Budget and cost information must be sufficiently detailed to enable the Secretary to determine the amount of payments pursuant to section 386(b)(2) of the Act. (The statement must include information on allowable expenses listed under the heading "allowable expenses.")

(d) The institution's operating expenses for the preceding fiscal year, including allowable expenses listed below under the heading "allowable expenses".

(e) The institution's Indian student count.

Allowable Expenses: An institutional support grant may be used only to pay expenses associated with the following:

(a) The maintenance and operation of the program, including—

(1) Development costs;

(2) Costs of basic and special instruction, including special programs for individuals with handicaps and academic instruction;

(3) Materials;

(4) Student costs;

(5) Administrative expenses;

(6) Boarding costs;

(7) Transportation;

(8) Student services;

(9) Day care and family support programs for students and their families, including contributions to the costs of education for dependents; and

(10) Training equipment costs necessary to implement training programs.

(b) Capital expenditures, including operations and maintenance and minor improvements and repair, and physical plant maintenance costs.

(c) Costs associated with repair, upkeep, replacement, and upgrading of instructional equipment.

Selection Criteria: (a)(1) The Secretary uses the following selection criteria to evaluate applications for new grants under this competition.

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

(b) *The Criteria*—(1) *Institutional goals and objectives.* (15 points) The Secretary reviews each application to determine the extent to which the applicant's current and future institutional goals and objectives are:

(i) Realistic and defined in terms of measurable results; and

(ii) Directly related to the problems to be solved.

(2) *Comprehensive development plan.* (30 points) The Secretary reviews each application to determine the extent to which the plan is effectively designed to meet the applicant's current and future institutional goals and objectives, including instructional and student support needs, equipment and capital requirements.

(3) *Implementation strategy.* (25 points) The Secretary reviews each application to determine the extent to which an applicant's implementation strategy—

(i) For each major activity funded under this program, is comprehensive and likely to be effective, taking into account the applicant's past performance and the data for the past three academic years reflecting the number and required qualifications of the teaching and administrative staff, the number of students enrolled, attendance rates, dropout rates, graduation rates, rate of job placement or college enrollment after graduation, and the most significant scholastic problems affecting the student population;

(ii) Includes a realistic timetable for each activity; and

(iii) Includes a staff management plan likely to ensure effective administration of the project activities.

(4) *Budget and cost effectiveness.* (20 points) The Secretary reviews each application to determine the extent to which—

(i) The budget is adequate to support the proposed activities to be funded under this program, including capital expenditures and acquisition of equipment, if applicable;

(ii) Costs are necessary and reasonable in relation to similar activities the institution carried out in previous years; and

(iii) The budget narrative justifies the expenditures.

(5) *Evaluation plan.* (10 points) The Secretary reviews each application to determine the quality of the evaluation plan the institution plans to use to determine its progress towards, and success in, achieving its goals and objectives, including the extent to which—

(i) The plan identifies, at a minimum, types of data to be collected, expected outcomes, and how those outcomes will be measured;

(ii) The methods of evaluation are appropriate and, to the extent possible, are objective and produce data that are quantifiable; and

(iii) The methods of evaluation provide periodic data that can be used for ongoing program improvement.

Instructions for Transmittal of Applications: (a) If an applicant wants to apply for a grant, the applicant shall—

(1) Deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on or before the deadline date to: U.S. Department of Education, Application Control Center, attention: (CFDA #84.245), room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC 20202-4725.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgement to each applicant. If an applicant fails to receive the

notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708-8493.

(3) The applicant must indicate on the package and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number of the competition under which the application is being submitted.

Application Instructions and Forms: The appendix to this application is divided into four parts including various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4-88)) and instructions.

Part II: Budget Information—and Instructions.

Part III: Itemized Budget and Budget Narrative.

Part IV: Program Narrative.

Additional Materials: Assurances—Non-Construction Programs (Standard Form 424B).

Certifications Regarding Debarment, Lobbying, Suspension, and Other Responsibility Matters; and Drug Free Workplace Requirements (ED Form 80-0013) and instructions.

Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form 80-0014) and instructions.

Note: ED Form 80-0014 is intended for the use of grantees and should not be transmitted to the Department.

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

All applicants must submit one original signed application, including ink signature on all forms and assurance and two copies of the application.

FOR FURTHER INFORMATION CONTACT:

Harvey Thiel, Special Programs Branch, Division of National Programs, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW. (room 4512, Mary E. Switzer Building), Washington, DC 20202-7327. Telephone (202) 732-2380.

Program Authority: 20 U.S.C. 2397 through 2397h.

Dated: April 17, 1991.

Lamar Alexander,
Secretary of Education.

BILLING CODE 4000-01-M

OMB Approval No. 0348-0043

**APPLICATION FOR
FEDERAL ASSISTANCE**

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction <input checked="" type="checkbox"/> Non-Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED 		Applicant Identifier																						
3. DATE RECEIVED BY STATE 		State Application Identifier																								
4. DATE RECEIVED BY FEDERAL AGENCY 		Federal Identifier																								
5. APPLICANT INFORMATION																										
Legal Name:			Organizational Unit:																							
Address (give city, county, state, and zip code):			Name and telephone number of the person to be contacted on matters involving this application (give area code)																							
6. EMPLOYER IDENTIFICATION NUMBER (EIN): <div style="border: 1px solid black; width: 150px; height: 20px; margin: 5px 0;"></div>			7. TYPE OF APPLICANT: (enter appropriate letter in box) <input type="checkbox"/> <div style="display: flex; justify-content: space-between; font-size: small;"> <div> A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District </div> <div> H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify): _____ </div> </div>																							
8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es): <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____			9. NAME OF FEDERAL AGENCY: 																							
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: <div style="display: flex; align-items: center; gap: 5px;"> <div style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">8</div> <div style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">4</div> <div style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">2</div> <div style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">4</div> <div style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">5</div> </div> TITLE: Tribally Controlled Postsecondary Vocational Institution Program			11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: 																							
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.): 			 																							
13. PROPOSED PROJECT: Start Date Ending Date		14. CONGRESSIONAL DISTRICTS OF: a. Applicant b. Project																								
15. ESTIMATED FUNDING: <table border="1" style="width: 100%; border-collapse: collapse; font-size: small;"> <tr> <td style="width: 20%;">a. Federal</td> <td style="width: 10%;">\$</td> <td style="width: 10%; text-align: right;">.00</td> </tr> <tr> <td>b. Applicant</td> <td>\$</td> <td style="text-align: right;">.00</td> </tr> <tr> <td>c. State</td> <td>\$</td> <td style="text-align: right;">.00</td> </tr> <tr> <td>d. Local</td> <td>\$</td> <td style="text-align: right;">.00</td> </tr> <tr> <td>e. Other</td> <td>\$</td> <td style="text-align: right;">.00</td> </tr> <tr> <td>f. Program Income</td> <td>\$</td> <td style="text-align: right;">.00</td> </tr> <tr> <td>g. TOTAL</td> <td>\$</td> <td style="text-align: right;">.00</td> </tr> </table>		a. Federal	\$.00	b. Applicant	\$.00	c. State	\$.00	d. Local	\$.00	e. Other	\$.00	f. Program Income	\$.00	g. TOTAL	\$.00	16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____ b. NO. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW			
a. Federal	\$.00																								
b. Applicant	\$.00																								
c. State	\$.00																								
d. Local	\$.00																								
e. Other	\$.00																								
f. Program Income	\$.00																								
g. TOTAL	\$.00																								
17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes," attach an explanation. <input type="checkbox"/> No		 																								
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN ONLY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED																										
a. Typed Name of Authorized Representative			b. Title		c. Telephone number																					
d. Signature of Authorized Representative			e. Date Signed																							

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry: | Item: | Entry: |
|-------|--|-------|--|
| 1. | Self-explanatory. | 12. | List only the largest political entities affected (e.g., State, counties, cities). |
| 2. | Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable). | 13. | Self-explanatory. |
| 3. | State use only (if applicable). | 14. | List the applicant's Congressional District and any District(s) affected by the program or project. |
| 4. | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. | 15. | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5. | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. | 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| 7. | Enter the appropriate letter in the space provided. | 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) |
| 8. | Check appropriate box and enter appropriate letter(s) in the space(s) provided:
— "New" means a new assistance award.
— "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
— "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. | | |
| 9. | Name of Federal agency from which assistance is being requested with this application. | | |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | |
| 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | |

PART II - BUDGET INFORMATIONSECTION A - Budget Summary by Categories (First Budget Period)

	A*	B**
1. Personnel		
2. Fringe Benefits (Rate %)		
3. Travel		
4. Equipment		
5. Supplies		
6. Contractual		
7. Other		
8. Total, Direct Cost (lines 1 through 7)		
9. Indirect Cost (Rate %)		
10. Training Costs/Stipends		
11. TOTAL, Federal Funds Requested (lines 8 through 10)		

SECTION B - Other Available Resources

	A*	B**
1. Federal		
2. State and Local		
3. TOTAL,		

*NOTE: Fill in only column A for one year budget periods. Continuation amounts for future years go in Section C.

**NOTE: Fill in columns A and B when full-funded projects are longer than 12 months.

SECTION C - Budget Estimates (Federal Funds Only) For Balance of Project

Budget Periods

Second	Third	Fourth	Fifth
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INSTRUCTIONS FOR PART II - BUDGET INFORMATION**SECTION A - Budget Summary by Categories**

1. Personnel: Show salaries to be paid to project personnel.
2. Fringe Benefits: Indicate the rate and amount of fringe benefits.
3. Travel: Indicate the amount requested for both inter- and intra-State travel of project staff. Include funds for at least one trip for two people to attend a project director's meeting in Washington, D.C.
4. Equipment: Indicate the cost of non-expendable personal property that has a useful life of more than one year and a cost of \$300 or more per unit (\$5,000 or more if State, Local, or Tribal Government).
5. Supplies: Include the cost of consumable supplies and materials to be used during the project.
6. Contractual: Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment; and (2) sub-contracts.
7. Other: Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.
8. Total, Direct Cost: Show the total for lines 1 through 7.
9. Indirect Costs: Indicate the rate and amount of indirect costs. NOTE: For training grants, the indirect cost rate cannot exceed 8%.
10. Training/Stipend Cost: (if allowable)
11. TOTAL, Federal Funds Requested: Show total for lines 8 through 10.

SECTION B - Other Available Resources

List the total resources available from other Federal, State and Local sources that will be used to achieve the institution's goals and objectives.

SECTION C - Budget Estimates (Federal Funds Only) for Balance of Project

If the project period exceeds 12 months, include cost estimates for the continuation budget periods, as appropriate.

INSTRUCTIONS FOR PART III--BUDGET NARRATIVE

The itemized budget and budget narrative should explain, justify, and, if needed, clarify your budget summary. For each line item (personnel, fringe benefits, travel, etc.) in your budget, explain why it is there and how you computed the costs.

Please limit this section to no more than five pages. Be sure that each page of your application is numbered consecutively.

INSTRUCTIONS FOR PART IV--PROGRAM NARRATIVE

The Program Narrative will comprise the largest portion of your application. This part is where you spell out the who, what, when, where, why, and how of your proposed project.

Although you will not have a form to fill out for your narrative, there is a format. This format is the selection criteria. Because your application will be reviewed and rated by a review panel on the basis of the selection criteria, your narrative should follow the order and format of the criteria.

Before preparing your application, you should carefully read the legislation and regulations of the program, eligibility requirements, information on any priority set by the Secretary, and the selection criteria for this competition.

Your program narrative should be clear, concise, and to the point. Begin the narrative with a one page abstract or summary of your proposed project. Then describe the project in detail addressing each selection criterion in order.

The Secretary strongly requests the applicant to limit the Program Narrative to no more than 25 double-spaced, typed pages (on one side only), although the Secretary will consider applications of greater length. Be sure to number ALL pages in your application.

You may include supporting documentation as appendices. Be sure that this material is concise and pertinent to this program competition.

Applicants are advised that:

(a) The Department considers only information contained in the application in ranking applications for funding consideration. Letters of support sent separately from the formal application package are not considered in the review by the technical review panels. (EDGAR § 75.217)

(b) The technical review panel evaluates each application solely on the basis of the established technical review criteria. Letters of support contained in the application will strengthen the application only insofar as they contain commitments which pertain to the established technical review criteria, such as commitment of resources.

INSTRUCTIONS FOR ESTIMATED PUBLIC REPORTING BURDEN

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 90 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651.

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 -

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

- (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an on-going drug-free awareness program to inform employees about—
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office

Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

Monday
May 6, 1991

Test Prep

Part VI

Department of Education

Fund for Innovation in Education: Innovation in Education Program; Proposed Priorities for Fiscal Year 1991; Notice

The Department of Education (DOE) is pleased to announce the proposed priorities for the Innovation in Education Program (IEP) for Fiscal Year 1991. The IEP is a program of the Fund for Innovation in Education (FIE), which was established in 1985 to support innovative educational programs and practices. The IEP is designed to provide funding for innovative programs and practices that are designed to improve the quality of education for all students. The IEP is a program of the FIE, which was established in 1985 to support innovative educational programs and practices. The IEP is designed to provide funding for innovative programs and practices that are designed to improve the quality of education for all students. The IEP is a program of the FIE, which was established in 1985 to support innovative educational programs and practices. The IEP is designed to provide funding for innovative programs and practices that are designed to improve the quality of education for all students.

DEPARTMENT OF EDUCATION

Fund for Innovation in Education: Innovation in Education Program; Proposed Priorities for Fiscal Year 1991

AGENCY: Department of Education.

ACTION: Notice of proposed priorities for Fiscal Year 1991.

SUMMARY: The Secretary proposes priorities for fiscal year 1991 under the Innovation in Education Program. The Secretary takes this action to implement his strategy for moving America toward the National Education Goals that the President and the Governors have defined. These priorities are intended to help the Secretary identify approaches in school leadership training and teacher training that could be replicated in new programs.

DATES: Comments must be received on or before June 5, 1991.

ADDRESSES: All comments concerning these proposed priorities should be addressed to Margo Anderson, U.S. Department of Education, 555 New Jersey Avenue, NW., room 522, Washington, DC 20208-55524.

FOR FURTHER INFORMATION CONTACT: Shirley Steele, U.S. Department of Education, 555 New Jersey Avenue, NW., room 522, Washington, DC 20208-5524. Telephone: (202) 219-1496. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: Under the Innovation in Education Program, the Secretary supports projects that show promise of identifying and disseminating innovative approaches in preschool, elementary, and secondary education. One aspect of the Secretary's plan for moving the Nation toward the National Education Goals for the year 2000 is to foster better and more accountable schools. The Secretary seeks to identify innovative approaches to the training of school leaders and teachers that will help make schools better and more accountable.

Academies for School Leaders

One of the lessons of the reform effort of the 1980s is that change must occur school by school. Schools need strong leadership, and school leaders need the freedom to run their schools if they are to make well-conceived efforts at improvement and be held accountable

for results. The Secretary proposes to set funds aside for Academies for School Leaders that would train principals and other school leaders in school improvement strategies and accountability systems that will create in schools the conditions needed to reach the National Education Goals.

Academies for Teachers

Teachers are the heart of schools. Restructuring schools and attaining the National Education Goals depend heavily on the quality of teaching, particularly in the core academic disciplines. The Secretary proposes to set funds aside for Academies for Teachers to give teachers the knowledge and the skills that they need to help students meet world-class standards of performance. The Secretary proposes to support separate academies to conduct training in each of the five core disciplines—English, mathematics, science, history, and geography—as well as academies that would conduct training in all five disciplines.

The Secretary will announce the final priorities in a notice in the *Federal Register*. The final priorities will be determined by responses to this notice, available funds, and other considerations of the Department. Funding of particular projects depends on the availability of funds, the nature of the final priorities, and the quality of the applications received. The publication of these proposed priorities does not preclude the Secretary from proposing additional priorities, nor does it limit the Secretary to funding only these priorities, subject to meeting applicable rulemaking requirements.

Note.—This notice of proposed priorities does not solicit applications. A notice inviting applications under these competitions will be published in the *Federal Register* following the close of the public comment period for this notice of proposed priorities.

Priorities

Under 34 CFR 75.105(c)(3), the Secretary proposes to give an absolute preference to applications that meet one of the following priorities. The Secretary intends to set funds aside separately for each of the priorities, and he proposes to fund under each competition only applications that meet the absolute priority.

Proposed Priority 1

Academies for School Leaders

Projects to operate training academies for public and private school leaders. Each academy would choose to serve a

State or a multi-State region, and the Governors of the States to be served would be consulted in the design and operation of the academy's program. Only one academy in a State or region would be funded. The activities carried out by an academy would include:

- Construction of a model curriculum for the development of school leaders that focuses on instructional leadership, school-based management, and the design and execution of school improvement strategies and accountability mechanisms;

- Identification of candidates to be trained as new school leaders, including minorities and persons with disabilities, using a carefully designed search process;

- Identification of schools with principal and other school leader vacancies and negotiation with schools and school districts to: match the trainee-candidates with districts or schools that will sponsor and support the candidates; and identify and support exceptional, experienced principals and other school leaders to serve as mentors to the trainee-candidates;

- Operation of school leadership programs during the school year or during the summer that provide intensive training and development for the trainee-candidates, using the model curriculum developed by the academy;

- Monitoring and facilitating an internship, as appropriate, for each of the graduates of the intensive development programs under the guidance and supervision of an experienced school leader; and

- Providing periodic follow-on development activities for the trainee-candidates during the internship.

Within this absolute priority for Academies for School Leaders, the Secretary intends to establish invitational priorities to encourage projects that would match funds provided under this priority with funds from non-Federal sources, and projects that would combine the resources of different schools within an institution of higher education, such as the schools of arts and sciences, business or management, and education, or that would provide a similar multidisciplinary approach. However, projects that address these invitational priorities would not receive a competitive advantage over other projects that meet the absolute priority.

Proposed Priorities 2-7

English Academies for Teachers
Mathematics Academies for Teachers
Science Academies for Teachers
History Academies for Teachers
Geography Academies for Teachers
Academies for Teachers in the Five Core Disciplines

Projects to operate training academies for teachers in each of the five core academic disciplines—English, mathematics, science, history, and geography—and projects to operate single academies that deliver training to teachers in all five disciplines. Each academy would choose to serve a State or a multi-State region, and the Governors of the States to be served would be consulted in the design and operation of the academy's program. Only one academy would be funded in a State or region to deliver training in a given discipline. The activities carried out by an academy would include:

- Development of a model curriculum for the training of teachers that focuses on renewal and enhancement of teachers' knowledge of the core academic discipline or disciplines addressed by the academy; teaching skills and strategies needed to impart academic subject matter to students, including students from diverse backgrounds and students with disabilities; the use of educational technologies in teaching the core

discipline; and the training that teachers need to become master teachers and to participate in curriculum development;

- Recruitment of teachers within the State or region to participate in the program of the academy, with an effort made to recruit minority teachers, teachers with disabilities, and other teachers who have potential for leadership; and

- Operation of programs during the school year or during the summer that provide intensive training using the model curriculum developed by the academy.

Within the absolute priorities for Academies for Teachers, the Secretary intends to establish an invitational priority to encourage projects that would match funds provided under this priority with funds from non-Federal sources. However, projects that address the invitational priority would not receive a competitive advantage over other projects that meet the absolute priorities.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and

review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed priorities.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in Room 522, 555 New Jersey Avenue, NW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

Applicable Program Regulations

There are no regulations for this program. The Education Department General Administrative Regulations in 34 CFR part 75 contain the selection criteria and procedures for review and selection of applications.

Program Authority: 20 U.S.C. 3151.

(Catalog of Federal Domestic Assistance Number 84.215, Fund for Innovation in Education: Innovation in Education Program)

Dated: April 29, 1991.

Lamar Alexander,
Secretary of Education.

[FR Doc. 91-10780 Filed 5-2-91; 1:26 pm]

BILLING CODE 4000-01-M

Executive Order

Monday
May 6, 1991

Part VII

The President

Executive Order 12760—President's
Commission On Executive Exchange

Presidential Documents

Title 3—

Executive Order 12760 of May 2, 1991

The President

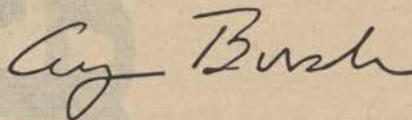
President's Commission on Executive Exchange

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. The President's Commission on Executive Exchange is hereby abolished. The Director of the Office of Personnel Management shall be responsible for terminating the functions of the Commission, which shall be completed no later than September 30, 1991.

Sec. 2. Executive Order No. 12493 of December 5, 1984 is revoked.

THE WHITE HOUSE,
May 2, 1991.



[FR Doc. 91-10864

Filed 5-3-91; 9:22 am]

Billing code 3195-01-M

Reader Aids

Federal Register

Vol. 56, No. 87

Monday, May 6, 1991

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List May 1, 1991

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is \$620.00 domestic, \$155.00 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, DC 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	\$12.00	Jan. 1, 1991
3 (1989 Compilation and Parts 100 and 101)	11.00	¹ Jan. 1, 1990
4	15.00	Jan. 1, 1991
5 Parts:		
1-699	17.00	Jan. 1, 1991
700-1199	13.00	Jan. 1, 1991
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10 Parts:		
0-50	21.00	Jan. 1, 1991
51-199	17.00	Jan. 1, 1990
200-399	13.00	² Jan. 1, 1987
*400-499	20.00	Jan. 1, 1991
500-End	26.00	Jan. 1, 1990
11	12.00	Jan. 1, 1991
12 Parts:		
*1-199	13.00	Jan. 1, 1991
200-219	12.00	Jan. 1, 1990
220-299	21.00	Jan. 1, 1991
*300-499	17.00	Jan. 1, 1991
500-599	17.00	Jan. 1, 1991
*600-End	19.00	Jan. 1, 1991
13	24.00	Jan. 1, 1991
14 Parts:		
1-59	25.00	Jan. 1, 1990
60-139	21.00	Jan. 1, 1991
*140-199	10.00	Jan. 1, 1991
200-1199	20.00	Jan. 1, 1991

Title	Price	Revision Date
1200-End	13.00	Jan. 1, 1991
15 Parts:		
0-299	11.00	Jan. 1, 1990
300-799	22.00	Jan. 1, 1990
800-End	15.00	Jan. 1, 1990
16 Parts:		
0-149	5.50	Jan. 1, 1991
150-999	14.00	Jan. 1, 1991
1000-End	19.00	Jan. 1, 1991
17 Parts:		
1-199	15.00	Apr. 1, 1990
200-239	16.00	Apr. 1, 1990
240-End	23.00	Apr. 1, 1990
18 Parts:		
1-149	16.00	Apr. 1, 1990
150-279	16.00	Apr. 1, 1990
280-399	14.00	Apr. 1, 1990
400-End	9.50	Apr. 1, 1990
19 Parts:		
1-199	28.00	Apr. 1, 1990
200-End	9.50	Apr. 1, 1990
20 Parts:		
1-399	14.00	Apr. 1, 1990
400-499	25.00	Apr. 1, 1990
500-End	28.00	Apr. 1, 1990
21 Parts:		
1-99	13.00	Apr. 1, 1990
100-169	15.00	Apr. 1, 1990
170-199	17.00	Apr. 1, 1990
200-299	5.50	Apr. 1, 1990
300-499	29.00	Apr. 1, 1990
500-599	21.00	Apr. 1, 1990
600-799	8.00	Apr. 1, 1990
800-1299	18.00	Apr. 1, 1990
1300-End	9.00	Apr. 1, 1990
22 Parts:		
1-299	24.00	Apr. 1, 1990
300-End	18.00	Apr. 1, 1990
23	17.00	Apr. 1, 1990
24 Parts:		
0-199	20.00	Apr. 1, 1990
200-499	30.00	Apr. 1, 1990
500-699	13.00	Apr. 1, 1990
700-1699	24.00	Apr. 1, 1990
1700-End	13.00	⁴ Apr. 1, 1990
25	25.00	Apr. 1, 1990
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§§ 1.61-1.169	28.00	Apr. 1, 1990
§§ 1.170-1.300	18.00	Apr. 1, 1990
§§ 1.301-1.400	17.00	Apr. 1, 1990
§§ 1.401-1.500	29.00	Apr. 1, 1990
§§ 1.501-1.640	16.00	³ Apr. 1, 1989
§§ 1.641-1.850	19.00	⁴ Apr. 1, 1990
§§ 1.851-1.907	20.00	Apr. 1, 1990
§§ 1.908-1.1000	22.00	Apr. 1, 1990
§§ 1.1001-1.1400	18.00	⁴ Apr. 1, 1990
§§ 1.1401-End	24.00	Apr. 1, 1990
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30-39	15.00	Apr. 1, 1990
40-49	13.00	³ Apr. 1, 1989
50-299	16.00	³ Apr. 1, 1989
300-499	17.00	Apr. 1, 1990
500-599	6.00	⁴ Apr. 1, 1990
600-End	6.50	Apr. 1, 1990
27 Parts:		
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200-End	14.00	Apr. 1, 1990
28	28.00	July 1, 1990

Title	Price	Revision Date	Title	Price	Revision Date
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30 Parts:			43 Parts:		
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31 Parts:			44	23.00	Oct. 1, 1990
0-199	15.00	July 1, 1990	45 Parts:		
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32 Parts:			200-499	12.00	Oct. 1, 1990
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200-End	20.00	July 1, 1990	47 Parts:		
34 Parts:			0-19	19.00	Oct. 1, 1990
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⁶ The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

⁷ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

GUIDE Revised January 1, 1991
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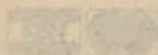
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